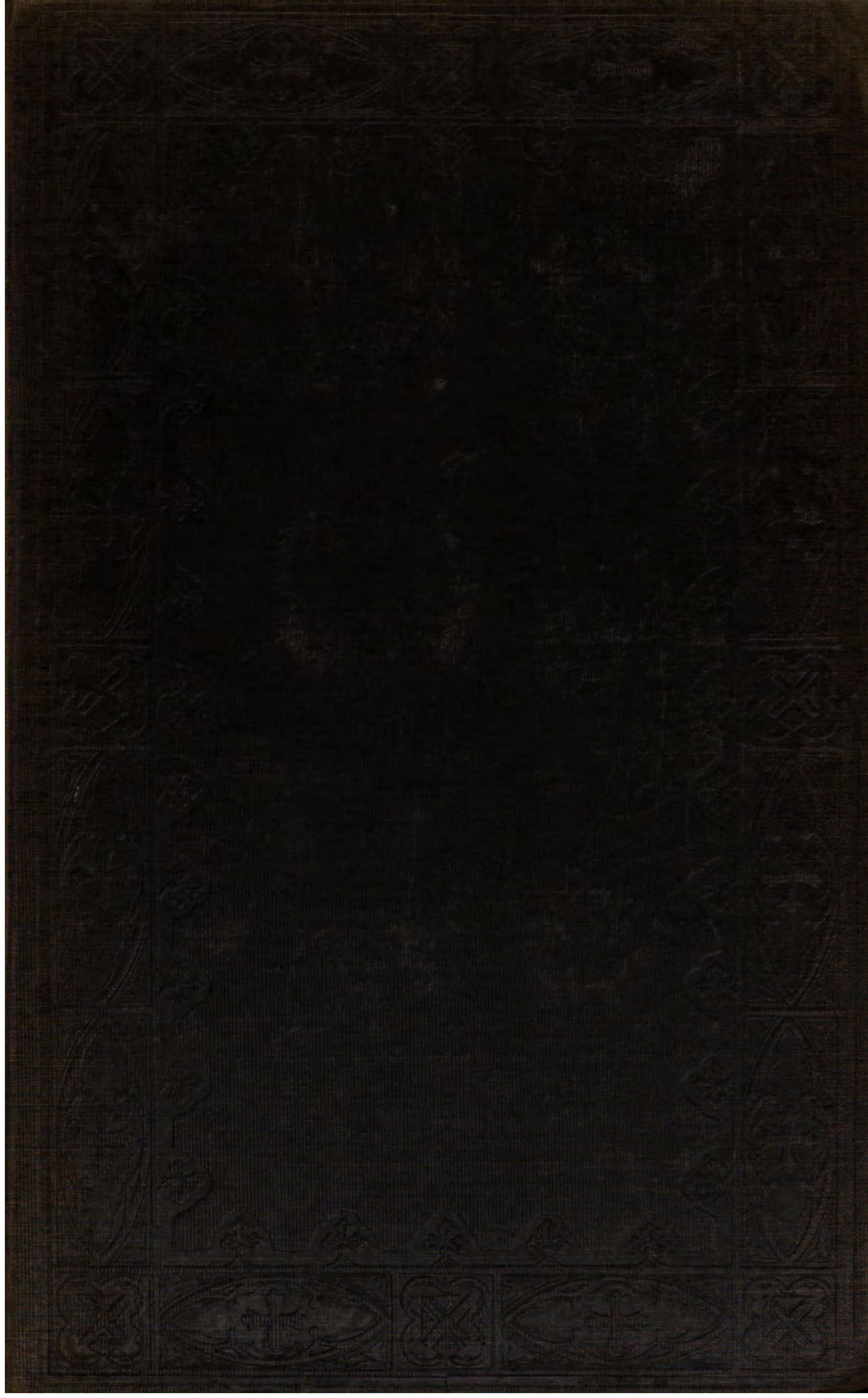




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HISTORY
OF THE
AFFAIRS OF CHURCH AND STATE
IN
SCOTLAND,
FROM THE BEGINNING OF THE REFORMATION
TO THE YEAR 1568.

BY THE
RIGHT REV. ROBERT KEITH,
PRIMUS OF THE SCOTTISH EPISCOPAL CHURCH.

WITH
BIOGRAPHICAL SKETCH, NOTES, AND INDEX,
BY THE EDITOR.

IN THREE VOLUMES.

VOLUME I.

EDINBURGH:
PRINTED FOR THE SPOTTISWOODE SOCIETY.
M.DCCC.XLIV.

HISTORY

OF THE

REVENUE OF THE CHURCH AND STATE

SCOTLAND

FROM THE REVENUE OF THE CHURCH

TO THE REVENUE OF THE STATE

BY JAMES H. BURNES

ALEX. LAURIE AND CO. PRINTERS TO HER MAJESTY.

THE
HISTORY OF THE AFFAIRS
OF
CHURCH AND STATE IN SCOTLAND,
FROM THE BEGINNING OF THE REFORMATION
IN THE REIGN OF KING JAMES V.

TO THE
RETREAT OF QUEEN MARY INTO ENGLAND,
ANNO 1568.

TAKEN FROM THE PUBLIC RECORDS AND OTHER AUTHENTIC VOUCHERS.

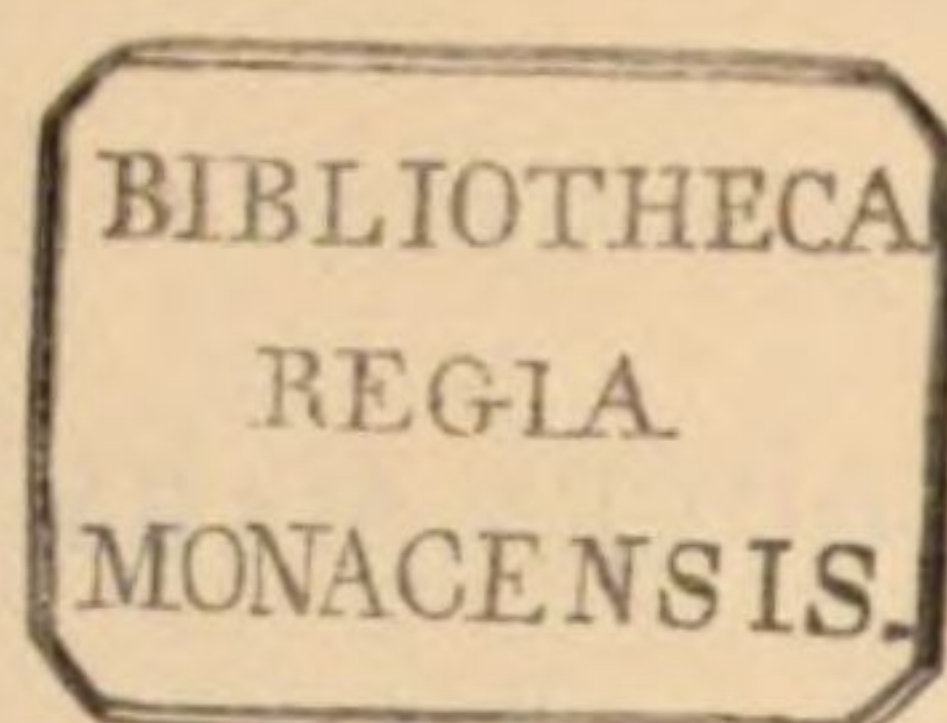
VOLUME I.

EDINBURGH:

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1735



P R E F A C E.



THE great merit and value of Bishop Keith's "HISTORY OF THE AFFAIRS OF CHURCH AND STATE IN SCOTLAND" are so well known, and prominently noticed in the Biographical Sketch which follows, that any observations here are unnecessary. The Sub-Committee of the SPOTTISWOODE SOCIETY, in selecting this Work as one of the first Publications for the Members, were confident that they would secure their approbation by placing before them a standard narrative of the exciting times preceding and during the Reign of Queen Mary.

As the First Book of Bishop Keith's "HISTORY," which, with its Appendix of Documents, comprises this Volume, is chiefly introductory to his Second and Third Books, many illustrative Notes were necessary, in addition to those by the Bishop. The main design was to make the Work a comprehensive repository of those important events to which our Historian often merely alludes in his narrative. The Editor hopes that he has succeeded in his object, and that a mass of interesting information is here collected, while he has carefully avoided those details which more properly belong to Archbishop Spottiswoode's "HISTORY OF THE CHURCH AND STATE OF SCOTLAND," from A. D. 203 to A. D. 1625. For all the Notes inclosed by *brackets*, thus [], having the letter E. annexed, in the "HISTORY" and Appendix, the Editor is responsible.

The Editor has to lament the paucity of materials in his Sketch of Bishop Keith's life. This is the more to be regretted, as his family connections, the eminent position he occupied in the Church, and his talents and acquirements, brought him into intercourse with many of the most distinguished men of his time in Scotland, particularly in Edinburgh. After the Sketch was printed, the Editor was kindly presented by JAMES MAIDMENT, Esq. Advocate, with the copy of a letter to Bishop Keith, the original of which was in the possession of the late Messrs Constable and Co., the celebrated Publishers. It is from the Chevalier Ramsay, author of the "Travels of Cyrus" and other works, then Preceptor to David Lord Elcho, and his brother the Hon. James Wemyss, the sons of David third Earl of Wemyss, and the latter of whom succeeded his father as fourth Earl in 1720, his elder brother having died in 1715. The Chevalier was subsequently patronized by Archbishop Fene-lon of Cambray, who procured for him the appointment of Preceptor to the Duke de Chateau-Thierry, and to the Prince de Turenne, afterwards Marshal of France. While in this situation he was selected by the exiled son of James II., to superintend the education of his sons, Charles Edward, and Henry, who was subsequently Cardinal York. As the Chevalier Ramsay was born in 1686, and Bishop Keith in 1681, he was consequently five years younger than the latter. The Bishop was at the date of the Chevalier's familiar and gossiping epistle, acting as Preceptor to his Noble "Chief," the Earl Marischal, and his brother the Hon. James Keith. The letter is dated Isleworth, a village in the parish of its name, on the Thames, in the county of Middlesex, opposite Richmond, and he thus addresses his friend :—

Isleworth, Feb. 25, 1709.

“DEAR BOBBY—I have nothing to write to thee but only this, that if we continue to aspire unto our Almighty Original, we shall still be united, however far separated in this world. Now I bide by the river Thames, amidst fields and gardens, where I have nothing to interrupt my conversation within but an hour or two attendance at night upon two of the most innocent, sweet, sprightly little boys I ever knew. All my ambition now is to live forgotten by all, doing them all the real service [which] lies in my power. I sha’n’t trouble you with scribbling; we already know one another well enough. All I shall say is, that should it be my fortune to be tossed from Greenland to Good Hope, yet after twenty years absence our souls shall be as much united as ever, and I shall embrace you at meeting with all the freedom of a Philadelphian. So live happy, and if we never meet here, may we meet after this on the road to Elysium. I am your loving

“RAMSAY.”

“If after this you chance to see Sandy Strachan, Johnny Anderson, Davidson, and the lads about Rosshearty, mind me to them; but to Mr Moor, your dear friend, in a particular manner.—R.”

The above letter was addressed—“*Mr Robert Keith, Governor to the Right Hon. my Lord Keith,*” who says—“This last was Mr Alexander Moor, Episcopal minister at Fraserburgh, the best of men I ever saw. Johnny Anderson left the legacy in the West Indies. I had contracted acquaintance with Mr Ramsay at Edinburgh the preceding winter.” The two “most innocent, sweet, sprightly little boys” described by the Chevalier, were the sons of the Earl of Wemyss already mentioned.

In the Catalogue of MSS. belonging to the Faculty of Advocates at Edinburgh is the entry of a donation to the Library by Bishop Keith. It is entitled—“Register of Assignations 1574,” and is described—

“ This Register of Assignations of Ministers’ Stipends, or Book of the Platt for one year, was presented to the Library by Bishop Keith in 1746. It is a large folio of paper, well written, but frequently deformed by deletions or interlineations, and it is not quite complete. At the beginning is a list of the ‘ pryses of the victualls’ in the respective districts of Scotland.”

By the kindness of the Right Rev. DR RUSSELL, BISHOP OF GLASGOW, the Editor is enabled to add a few particulars respecting Bishop Keith’s family and descendants, which the reader is requested to consider as supplying the deficiency mentioned in the Sketch of his Life (p. lvii). The Bishop married a lady named Stewart, by whom he had only one child, a daughter, named Clementina Stewartina, who married Mr Carmichael, of Leith. The offspring of this marriage was also a daughter, who became the first wife of Mr Douglas, merchant in Leith. Several children were the issue of this marriage, one of whom, Stewart Douglas, Esq. also merchant in Leith, was the father of the Rev. Archibald Douglas, who was curate to the Venerable Dr Bayley, Archdeacon of Stow in the Diocese of Lincoln, at the date of that gentleman’s death in August 1844, and who is the great-great-grandson of Bishop Keith.

Several letters of the Bishop are still preserved, but they relate to no affairs of the slightest importance. Bishop Keith’s private copy of his “ HISTORY,” with his own annotations, corrections, and additions, is said to have been acquired by Sir Walter Scott, Bart., and to be in the Library of Abbotsford.

J. P. L.

BIOGRAPHICAL SKETCH

OF THE

RIGHT REVEREND BISHOP KEITH.



HE excellent and distinguished author of the “History of the Affairs of Church and State in Scotland” was born on the 7th of February 1681 at Uras, or Uris, a small estate in the parish of Dunnottar, and county of Kincardine, near the steep and precipitous cliffs on the coast known as the *Fowls’-heugh*, frequented by myriads of sea-birds. He was the son of Alexander Keith and Marjory Arbuthnot, a daughter of Robert Arbuthnot of Little Fiddes, and he mentions his eldest brother Alexander, who married in 1680, and three sisters. Bishop Keith also states that he was named Robert in compliment to the second Viscount Arbuthnot, who succeeded his father the first Viscount in 1655, and died in 1682, and whom the Bishop designates “a kind friend to my father.” That Nobleman first married Lady Elizabeth Keith, second daughter of William seventh Earl Marischal, which explains the connection between those two Noble Families. Bishop Keith’s father, who died in January 1683, was lineally descended from Alexander the fourth and youngest son of William the third Earl Marischal, who in 1513 obtained from that nobleman the lands of Pittendrum in Aberdeenshire on the resignation of his brother Gilbert, the Earl Marischal’s third son, when he succeeded to the estate of Troup. The Honourable Alexander Keith of Pittendrum was succeeded by his son John, who married Barbara Keith, his cousin, by whom he had one son named William, who was the father of Alexander and William Keith. From the former was descended Bishop Keith’s

father, and the Bishop and his nephews were thus the nearest lineal representatives of the noble Family of the Earls Marischal attainted in 1716 in the person of George tenth Earl, for his connection with the Enterprize of 1715. The Bishop seems to have been duly impressed with a love of his family importance and connections. In his "Vindication" subsequently noticed, he produced a copy of the marriage-contract between his grandfather and grandmother; and, after noticing that the latter was a daughter of Gavin Douglas of Easter Barras, he adds—"This Gavin Douglas was a son of that Laird of Glenbervie who became Earl of Angus about the year 1588, and by this marriage, Mr Robert Keith and his nephew have the honour to be related to the Dukes of Douglas and Hamilton, and to all the branches of these most honourable families since that marriage." Alluding to his mother's kindred, he says that by her marriage he and his nephew are "related to all the Arbuthnots and Burnets in the shire of Mearns." This pride of ancestry was long intense in Scotland, and it is not desirable that it should ever be destroyed.

In the early part of the seventeenth century Keith of Pittendrum became proprietor of the estate of Over and Nether Cawton in the parish of Fetteresso, adjoining Dunnottar, but the Bishop's father sold it in 1672, and purchased the property of Uras already mentioned. The Bishop thus explains the alienation or change of the family patrimony:—"This hasty denudation did not proceed from a squandering temper in my father, but from his having enlisted himself a volunteer in that expedition under King Charles II., which ended in the unfortunate battle of Worcester, whilst a mere stripling only of about eighteen years of age; and although he had the good fortune to escape out of prison by the means and contrivance of two English ladies, yet the difficulties he was exposed to, and the incumbrances which naturally came upon his small estate during the long continuance of the rebellion, stuck severely to him all his days after, and do stick to his offspring to this day."¹

¹ In the "Ratification" by the Scottish Parliament in 1685 "in favour

Bishop Keith's descent from the Marischal Family induced him to enter into a controversy, subsequently noticed, with Alexander Keith, Esquire, of Ravelston, near Edinburgh, who purchased in 1766 the castle and lands of Dunnottar from George the last Earl Marischal, the friend and favourite of Frederick the Great of Prussia. This dispute was connected with the pretensions to relationship with the Earls Marischal, set forth by the Keiths of Ravelston, which can now be proved to be utterly fallacious. In support of the claim of his nephews Alexander and Robert Keith of Uras, the sons of his eldest brother, to the honour of a lineal descent from that Noble Family in opposition to the assumptions of Keith of Ravelston, the Bishop prepared a short narrative of the facts, which he entitled—"Vindication of Mr Robert Keith, and of his young grand-nephew Alexander Keith, from the unfriendly representation of Mr Alexander Keith, junior, of Ravelston."¹ It is now ascertained that the statements of the Bishop were unanswerable. His brother's sons already mentioned both died unmarried, the one named Robert in 1780, when Captain of a company in the third regiment of Foot Guards, with the rank of Colonel in the Army, having studied the military profession in Prussia under Field-Marshal Keith and the Earl Marischal. That nobleman died unmarried in 1778, and the Bishop's nephew or grand-nephew became the undoubted lineal representative in the male line of the Earls Marischal of Scotland.

Having lost his father when only two years of age, Bishop Keith was removed by his mother to Aberdeen, and received his education at Marischal College, founded by his collateral relative George fifth Earl Marischal in 1593. His mother's income was very limited, but by her industry and exertions she was enabled to defray her son's expences at the

of Alexander Irvine of Drum of the lands and barony of Drum," is mentioned "ane yearly annual rent of ten merks Scots money to be uplifted furth of the lands of Crawtoun and Uris, lying within the sherifffdom of Kincardine." *Acta Parl. Scot.* vol. viii. p. 553.

¹ This pamphlet which was printed for private use, and as a mere family memorial, is inserted at the end of this Biographical Sketch, with a note kindly communicated to the Editor by John Riddell, Esquire, Advocate.

University. He speaks of her prudence and affection in the most grateful language, and in allusion to her unceasing assiduity on his account he says—"For these and many obligations I owe her memory, I do pay her much acknowledgment."—"She died," he says, "at Aberdeen on Saturday the 6th of December 1707, about the 69th year of her age, after she had the comfort of seeing me preceptor or tutor to my young chief, the Lord Keith, from the month of July 1703, with whom and his brother I continued full seven years till July 1710."

The "young chief" here noticed as then Lord Keith, and his brother, were George tenth Earl Marischal already mentioned, born in 1693, who succeeded his father the ninth Earl in 1712, and the celebrated Field-Marshal Keith, born in 1696, one of Frederick the Great's distinguished heroes. As respects the latter, however, we are told—"Of his scanty education under the excellent Bishop Keith the Marshal tells us nothing."¹ From his intimacy and subsequent correspondence with the Field-Marshal and the Earl he appears to have been held by those two personages in great estimation, and they ever treated him as a near relative of their family. After Bishop Keith retired from the situation of preceptor to his "young chief" and the future Field-Marshal, he was admitted into deacon's orders by the Right Reverend George Hallyburton, the deprived Lord Bishop of Aberdeen, on the 16th of August 1710, and on the 26th of May 1713 the same venerable Prelate ordained him a presbyter. This was probably among the last ecclesiastical acts of Bishop Hallyburton, who died at his mansion of Denhead near Cupar-Angus in September 1715, in the seventy-seventh year of his age. Mr Skinner says of Bishop Hallyburton, that he had become "so weak in his intellectuals, beyond what his more aged brother of Dunblane [Bishop Douglas] was, that though he was still able to perform the office of ordination for such vacancies in his Dio-

¹ Preface to "A Fragment of a Memoir of Field-Marshal James Keith, written by Himself, 1714 to 1734," Edinburgh, 4to, 1844, printed for the SPALDING CLUB.

cese as applied to him, it was not judged convenient, as it was not necessary, to employ him in any business of importance that required a certain degree of secrecy and caution.”¹

Soon after his ordination Bishop Keith became domestic chaplain to Charles twelfth Earl of Erroll and his mother the Countess, who was Lady Anne Drummond, only daughter of James third Earl of Perth. The Earl of Erroll, who succeeded his father in 1704, is described when Lord Hay as “one of the hopefulest young gentlemen in the kingdom, and an enemy to Presbytery, not twenty-five years old.”² He was a zealous opponent of the Union, voting against it on every division, and entering a strong protest on the 7th of January 1707; and in the following year he was considered so disaffected during the alarm of an invasion that, though he was then in ill health, he was sent a prisoner to the Castle of Edinburgh. In June 1712 we find Bishop Keith attending the Earl to the baths of Aix-la-Chapelle, and in journeying through Holland he became acquainted at Amsterdam with the celebrated Peter Poiret, famous for his mystical and speculative writings, who attacked Des Cartes, Locke, and Spinoza, and published both an apology for Madame Bourignon, and a complete edition of her works in twenty-one volumes. Leaving the Earl of Erroll at Aix-la-Chapelle, Bishop Keith returned to Scotland through Maestricht, Antwerp, Ghent, Bruges, Ostend, Neuport, and Dunkirk. At this last place he sailed direct for England, but the vessel was compelled to put into Calais. After encountering a severe storm Bishop Keith landed at Dover on the 1st of November 1712. He remained there three months, labouring under indisposition occasioned by the wet and cold to which he had been exposed during the storm, and set out for Edinburgh on the 2d of February 1713.

About this period Bishop Keith left the Noble Family of Erroll. Probably his services were no longer required, for though it was very common at that period for the Scottish

¹ Skinner's Ecclesiastical History of Scotland, vol. ii, p. 607.

² Mackay's Memoirs, p. 247.

Episcopal Nobility and gentry to retain a resident chaplain in their families, the Earl died unmarried in 1717, and the title devolved on his sister Lady Mary, who became Countess of Erroll in her own right. The Bishop was invited to become the pastor of one of the numerous small Episcopal congregations which then existed in Edinburgh. He retained this pastoral charge during his life.

Bishop Keith soon established his reputation as an able scholar, historian, and antiquary, and as such was much esteemed by the Established Presbyterians, as well as by the members of the Scottish Episcopal Church. He lived on terms of intimate friendship with Dr Rose, the deprived Lord Bishop of Edinburgh, the last survivor of the Bishops ejected at the Revolution, and thus affectionately mentions him—"He was a sweet-natured man and of venerable aspect. I was one of his presbyters in the city of Edinburgh from Pentecost anno 1713."

The state of the Scottish Episcopal Church at the commencement of Bishop Keith's ministry, and indeed during his life, was very peculiar. Bishop Hallyburton, formerly of Aberdeen, Bishop Douglas, formerly of Dunblane, and Bishop Rose of Edinburgh, were the only survivors of the Prelates ejected at the Revolution. In 1705 they had strengthened the Episcopate for the preservation of the Succession by the consecration of Bishops Fullarton and Sage, and in 1709 by the consecration of Bishops Falconer and Christie, the latter the friend of Bishop Sage, who unfortunately for the cause of the suffering Church died at Edinburgh in 1711, lamented by his friends and feared by his adversaries. In 1707 the Union of the two kingdoms of Scotland and England was accomplished notwithstanding the tumultuous opposition of the Scottish people. That Union gave a security to the new Presbyterian Establishment which it never previously possessed, but it afforded no toleration to the Episcopal clergy, though the Government offered no molestation. The very proposal of a legal toleration to the Episcopal clergy would have excited the fiercest opposition of the Presbyterian ministers to the Union itself. Their General Assembly had

opposed it in a remarkable document, published by De Foe, which is little creditable to their prudence, sagacity, and discernment, and it would have required no great exercise of their angry passions to agitate an already irritated and riotous populace. While the Union was in dependence, an order was issued by the Government to shut up all the Episcopal churches in Scotland; but this was soon revoked, and the clergy were for a short time unnoticed by their political opponents. Immediately after the Union the Liturgy of the Church of England was adopted as the ritual for Divine Service in the Scottish Episcopal Church, and the universal use of a Liturgy since that period has been attended with the most beneficial results. It is only to be regretted that a Liturgy was not used by the Church during its establishment from the Restoration to the Revolution. The introduction of the English Liturgy into the congregations of the Scottish Episcopal Church excited the alarm of the Established Presbyterians. It was denounced in their General Assembly, who peremptorily insisted that the Government should interfere. Many of the clergy in Edinburgh were prosecuted, and some of them were imprisoned in the common jail. But the annoyances and persecutions which the Episcopal clergy and laity suffered from the Government at the instigation of the Presbyterian Establishment became at length so grievous, that the Government, on the 3d of March 1712, passed the well known Toleration Act in favour of the Scottish Episcopal Church, and the Bishops, clergy, and laity, obtained that relief from the British Parliament which was refused by the Scottish Parliament before the Union. Soon after Queen Anne's accession, the Earl of Strathmore had proposed in the latter Parliament that a "toleration" should be granted to all whom he called "Protestants," with the evident design of obtaining relief to the Episcopal Church of which he was a member, but the General Assembly remonstrated against it in such a violent manner that it was deemed prudent to abandon it for a time. In 1712, however, as already stated, the Toleration Act was passed in defiance of their clamour,

and though it has been superseded by later enactments, it was then a great and essential boon to the Church.

These observations are here laid before the reader not because Bishop Keith was particularly concerned in those affairs, but to shew the state and condition of the Scottish Episcopal Church when he became the pastor of one of its congregations. Although many of the clergy, holding the political principles they did, could not conscientiously enjoy the full benefit of the Toleration Act, it protected them all from State prosecutions. The Government permitted them, as long as they were peaceable, to hold their own opinions; the Liturgy was no longer the object of Presbyterian fulmination; and, on the whole, it may be said that the Scottish Episcopal Church was prosperous during the remainder of the reign of Queen Anne.

But this peaceful state of affairs was of no long continuance. The death of Queen Anne in 1714, the accession of George I., which was followed by a change of the Ministry, and a proclamation to enforce the laws against all reputedly disaffected persons, grievously disappointed the ardent hopes of the adherents of the Stuart Dynasty, and among them the great body of the Scottish Episcopalians. It is well known that the Bishops and Clergy were all in favour of the exiled Prince designated the Chevalier St George, for attachment to whose Family and cause the Church had so severely suffered. The precautionary measures which the new Government considered necessary to be adopted were the causes of very general disgust, and in 1715 the ill-fated Enterprize under the Earl of Mar was attempted. Many of the influential laity were concerned in that Affair, and some of the clergy openly accompanied the Adventurers in their marches as chaplains. The suppression of the insurrection was followed by several forfeitures, attainders, and executions, and the proceedings of the Government against the Episcopal clergy were rigorous, though under the circumstances they can scarcely be called severe. On the 12th of May, King George addressed a letter, countersigned by Mr Secretary

Stanhope, to the Lords of Justiciary in Scotland, stating that his Majesty was informed that several "meeting-houses" were in Edinburgh and other places, in which Divine Service was performed without praying for him as the reigning Sovereign and the Royal Family by name. Their Lordships were enjoined to shut up all such "meeting-houses," as the Episcopal churches were designated, and to prosecute offenders in time to come. The Judges, however, reported to Secretary Stanhope that though they would willingly proceed against such offenders, they could not close their "meeting-houses"—such a summary procedure not being legal—"till after trial and conviction by the due course of law." Nevertheless the Crown lawyers were enjoined by their Lordships to prepare indictments against all Episcopal clergymen guilty of this alleged offence. The Rev. Daniel Taylor and twenty-four clergy in Edinburgh, the Rev. Arthur Millar, presbyter in Leith, the Rev. Robert Colt, and the Rev. James Hunter, both of Musselburgh, were tried before the High Court of Justiciary for preaching to Episcopal congregations without Letters of Orders from a "Protestant" Bishop, according to the statute of the 10th of Queen Anne, and for not praying for King George by name. The usual legal defences were prepared, which were overruled, and most of the accused, to save trouble to the Court, confessed both charges. With the exception of one, who produced Letters of Orders from an "exauctorated" Scottish Bishop, they were all prohibited from officiating until they exhibited their Letters of Orders in terms of Queen Anne's Act, and twenty-five of them were fined L.20 sterling each, one half to the informer, and the other half to the poor of the parish; but as no informer appeared, Sir David Dalrymple, Bart., then Lord Advocate, the grandfather of the celebrated Scottish Judge and antiquarian Lord Hailes, applied to the Court about six months afterwards for warrant of L.10 against each of them, to be paid to himself as *common informer*! The defenders, however, soon produced Letters of Orders, which were registered in terms of the Act. "It appears," says Arnot in his remarks on this trial, "that the shutting up of the meeting-

houses was by no means rigorously enforced, for I find several of those very clergymen within a few months again convicted for the same offence. Indeed, the Criminal Records for some years after this are in a manner engrossed with prosecutions against Episcopal Nonjurors."¹

Bishop Keith left no account of the troubles and molestations he encountered at this period, but it may be safely inferred that he would have his due share in common with his brethren. Another Act was passed by the United Parliament in April 1719, rendering every Episcopal clergyman liable to imprisonment for six months, during which period his "meeting-house" was to be shut, if he performed Divine Service without having taken the oaths enjoined by the Toleration Act of Queen Anne; and every dwelling in which nine or more persons assembled, exclusive of the family, for Divine Service, was declared to be a "meeting-house" within the meaning of the Act. This was a severe law, and as little doubt can be entertained of the intention as of the Presbyterian quarter in which it originated. Several prosecutions followed, but the Act does not appear to have been rigidly observed.

Bishop Rose, the last survivor of the Bishops deprived at the Revolution, died in the 74th year of his age, on the 20th of March 1720, at his sister's residence in the Canongate of Edinburgh, beloved and lamented by all who knew him. He was interred within the little church of Restalrig,² about a mile east of Holyrood Palace. His funeral was attended by Bishop Keith, then one of his presbyters, and many of the clergy. It may be here noticed that the cemetery partly

¹ Collection of Criminal Trials in Scotland, 4to, p. 343-346.

² This small and plain edifice, which was founded by James III. for a Dean and Prebendaries, eight of whom constituted its establishment at the Reformation, was then roofless. The Presbyterian General Assembly had ordered it to be dilapidated some years after the Reformation, because it was, in their opinion, a "*monument of idolatry*." A different view of the matter was taken in 1837 by their Presbyterian successors, when the church was repaired, and opened as a preaching station for the accommodation of the neighbourhood in that part of the parish of South Leith, of which it was originally the parish church.

surrounding the church was the selected burying-place of many members of the Scottish Episcopal Church during the eighteenth century. The adjoining property and decayed village were then possessed by the Lords Balmerino, and were forfeited by the attainder of Arthur sixth Lord, beheaded on Tower Hill in 1746, for his connection with the Enterprize of 1745. That Nobleman was one of the sons of John fourth Lord Balmerino by his second wife, Anne, daughter of Archbishop Ross of St Andrews, deprived at the Revolution, and who had a family tomb at Restalrig. It may be noticed that the widow of the last Lord Balmerino, who was the daughter of Captain Chalmers, continued to reside in the village till her death in 1765.

Immediately after the interment of Bishop Rose those ecclesiastical disputes originated which agitated the Scottish Episcopal Church for some years, causing factious consecrations, and for a time in reality a rival Succession. In these discussions Bishop Keith, though still a presbyter, sustained a prominent part; and, as Bishop Russell observes, he is "found taking an active share in all the measures that were proposed either for restoring purity of worship, or for propping the pillars of that ecclesiastical system in the divine institution of which he appears to have cordially believed, and for the maintenance of which he spared no labour and grudged no sacrifice." In such estimation was our Historian held by his brethren, that "nothing of consequence indeed appears to have been done without his advice or concurrence, even before he was raised to the Episcopate."¹

The nature of these discussions will be best understood by a brief reference to the facts. One related to the proper mode of administering the ecclesiastical government of the Church, and the other great sources of discord were what are known as the "Usages."

During the life of Bishop Rose and his deprived Brethren,

¹ Sketch of the Life of Bishop Keith, in his "Historical Catalogue of the Scottish Bishops down to the year 1688," edited by the Right Rev. Michael Russell, LL.D. and D.C.L., Bishop of Glasgow. Edinburgh, 8vo. 1824, p. 24, 25.

the presbyters elevated to the Episcopate were consecrated solely for the purpose of preserving the Succession. It was expressly stipulated at the consecration of Bishops Sage and Fullarton, that they were to exercise no diocesan jurisdiction while the deprived Bishops were alive. This seems to have been in some degree the procedure of the Bishops of England, commonly called *Nonjurors*, who refrained from nominating those whom they consecrated to any of the regular Sees of which they had been themselves deprived after the Revolution, and made their own ecclesiastical arrangements. The authority of Dr Rose, who, as Bishop of Edinburgh, was the Vicar-General of the Archbishop of St Andrews during the legal establishment of the Church, was acknowledged by the clergy in that Diocese after the death of the Primate Ross in 1704 ; but as the hope of the restoration of the Stuart Dynasty was fondly cherished by those commonly called the Jacobite party, many of whom were Roman Catholics, and not a few were Presbyterians, the Bishop of Edinburgh was probably unwilling to interfere in his peculiar circumstances. The death of Bishop Rose changed this aspect of affairs. After that event the only persons in Scotland invested with the Episcopate were Bishops Fullarton, Falconer, Millar, and Irvine,¹ of whom the two latter were consecrated at Edinburgh on the 22d of October 1718 by Bishop Rose, assisted by Bishops Fullarton and Falconer. But two other presbyters had been previously consecrated, one in Scotland, and the other in England. The former was the Hon. and Rev. Archibald Campbell,² who was raised to the Episcopate,

¹ The Rev. Arthur Millar, formerly minister of Inveresk, in which parish is the town of Musselburgh, six miles from Edinburgh, and the Rev. William Irvine, formerly minister of Kirkmichael in Dumfriesshire. Bishop Millar is previously noticed as having been prosecuted before the High Court of Justiciary, with a number of other presbyters in Edinburgh and the neighbourhood, for refusing to pray for George I. and the reigning Family by name. It appears from the indictment that he was then presbyter at Leith.

² The second son of Lord Neil Campbell by his second wife, Lady Vere Kerr, third daughter of William third Earl of Lothian, and grandson of Archibald eighth Earl, created Marquis of Argyll, who was beheaded at the Cross of Edinburgh for high treason in May 1661.

on the 25th of August 1711, by Bishop Rose of Edinburgh, Bishop Douglas of Dunblane, and Bishop Falconer, after the death of Bishop Sage. The latter was the Rev. James Gadderar, minister of Kilmaurs in Ayrshire previous to 1688, who was consecrated at London in 1712 by Bishops Campbell, Falconer, and Hickes, the last named better known as the learned Dean of Worcester. The elevation of Bishop Gadderar to the Episcopate was done not only with the consent but at the express desire of Bishop Rose of Edinburgh; yet both he and Bishop Campbell resided chiefly in London till 1724.

The Presbyters of Edinburgh, among whom was our Historian, met after the funeral of Bishop Rose to deliberate on the peculiar circumstances of the Church. On this occasion one of them proposed that they should acknowledge Bishops Fullarton, Falconer, Millar, and Irvine, as the Episcopal College to whom canonical obedience was due. In this suggestion evident injustice was done to Bishops Campbell and Gadderar, who, though then resident in London, had an equal right to be considered members of that College, yet they were not even mentioned. The project, in reality, was, that instead of Diocesan jurisdiction, the proper and primitive mode, the Scottish Episcopal Church should be governed by a College of Bishops in common, much in the same manner as the Presbyterians conduct their affairs on a more extensive scale in their Presbyteries, Synods, and General Assemblies. This extraordinary proposal found supporters, and as all the influence of the Chevalier St George and his agents in Scotland was soon exerted in its favour, it divided the Church into two parties, the one zealous for the *College Scheme*, and the other as decided in support of *Diocesan Superintendence*, headed by Bishops Fullarton, Campbell, and Gadderar. The two latter were bitterly disliked by the agents, or "Trustees," of the Chevalier, who soon saw that by supporting the College Party they could always exercise influence at will over the Bishops and clergy, and could at any time make the former subservient, by increasing the number of consecrations indefinitely at the recommendation of the

Chevalier, whose adherents affected still to consider him as "King." This they actually did, and four presbyters were invested with the Episcopate under the sanction of the exiled Prince, whereas Diocesan jurisdiction struck at the root of such influence ; for, by observing the division of the kingdom into dioceses, or districts, as in the time of the establishment of the Church, order would be preserved, unnecessary consecrations prevented, and proper discipline maintained among the clergy.¹

The other causes of discord, known as the "*Usages*," were intimately connected with the *College Scheme*, or rather may be said to have engendered all the acrimony which divided the Scottish Episcopal Church into two hostile parties for upwards of twelve years. At the death of Bishop Hicke in December 1715, the controversy arose, or with more propriety was revived, chiefly among the English Nonjurors, on certain "*Usages*," four in number :—1. Mixing water with the wine in the holy Eucharist ; 2. Commemorating the faithful departed in the Communion Office ; 3. Consecrating the elements by an express invocation ; 4. Using the oblationary prayer before administering as in the Scottish Office. A party of the ejected or Nonjuring clergy in England zealously contended for those "*Usages*" as ancient and scriptural, and as having been observed at the commencement of the "Reformation," and they alleged they were at liberty to adopt the said "*Usages*," because they were no longer connected with the Church as by law established. After the death of Bishop Hicke, the chief supporters of the "*Usages*," were the learned Bishop Collier and Dr Brett ; but they were ably opposed by Bishop Spincks, formerly one of the Prebendaries of Salisbury, and others, who contended for the Communion Office as it is in the Book of Common Prayer. It was at length agreed on both sides to refer the controversy solely to the decision of the Scottish Bishops, as they were in the same ecclesiastical position as their Non-

¹ See a full and minute account of these disputes in the Editor's "History of the Scottish Episcopal Church from the Revolution to the Present Time." Edinburgh, 8vo. 1843, p. 222-262.

juring brethren in England. A clergyman named Peck was sent by the English Usagers to Scotland in 1718, and he applied to Bishops Rose and Falconer for a synodal declaration, which they refused; but Dr Rattray of Craighall was requested by the two Bishops to submit proposals of accommodation to reconcile their differences—a duty which he discharged to the great and recorded satisfaction of the venerable Lord Bishop of Edinburgh. It was not, however, till after the death of Bishop Rose that the controversy about the “*Usages*” was agitated in the Scottish Episcopal Church. Bishop Falconer advocated them, and also Bishops Campbell and Gadderar, who were the intimate friends of Bishops Hicke and Collier, and who from conviction declared for their adoption. Bishops Fullarton and Millar were neutral, Bishop Irvine, who became acquainted in London with Bishop Spincks, openly and determinedly opposed them, and he rashly engaged to induce the Scottish presbyters to resist them. After he returned to Scotland he was anxious to secure the opposition of Bishop Rose, but though he failed in this attempt, his influence and arguments with many of the presbyters laid the foundation of much of the polemical acrimony which ensued.

It will thus be seen that two questions agitated the Scottish Bishops and Presbyters at that period—the government of the Church either by Diocesans or by a College of Bishops, and the observance of the “*Usages*.” Those subjects have been long set at rest, and it is unnecessary to trace the controversy farther. As it respects the College Party, who were the opponents of the “*Usages*,” they were decidedly under the influence of those laity who were in active correspondence with the Chevalier. On his nomination, to strengthen themselves against the Diocesan Party, at the head of whom were Bishops Campbell and Gadderar, Bishops Fullarton, Millar, and Irvine, consecrated the Rev. Andrew Cant and the Rev. David Freebairn in 1722, and the Rev. Alexander Duncan and the Rev. Robert Norrie in 1724.

During the agitation of those now obsolete controversies, the Rev. Dr Thomas Rattray, the proprietor of the fine

estate of Craighall in Perthshire, the representative of an ancient family, and the intimate friend of Bishop Gadderar, was consecrated at Edinburgh on the 4th of June 1727 by that Prelate, assisted by Bishops Millar and Cant. Dr Rattray had been elected by the presbyters in the ancient Diocese of Dunkeld, who since the death of Bishop Falconer had been deprived of Episcopal superintendence. The Diocesan Bishops resolved to adhere to the practice of the Primitive Church, and, regardless of the influence of the Chevalier and his " Trustees," increased their number to preserve the Succession, in opposition to the College Party. Bishop Keith was consecrated at Edinburgh as coadjutor to the then aged Bishop Millar, along with Bishop Dunbar for Moray, on the 18th of the same month, by Bishops Millar, Rattray, and Gadderar, the determined opponents of the College Party. This consecration was caused by the death of Bishop Fullarton in the beginning of May. Lockhart of Carnwath, one of the Chevalier's active adherents and " Trustees," notices this elevation to the Episcopate with bitter hostility.—" The factious Bishops—(this may appear an harsh epithet, but when I reflect how little respect they shewed to the *King* [the Chevalier], and their contempt of the authority of the College of Bishops, I do not know one more proper wherewithal to distinguish them from the other Prelates who were henceforth called the College Bishops)—these Bishops, I say, to strengthen their party, proceeded to consecrate one Mr Dunbar, a disciple of Gadderar in the North, and Mr Keith, a Presbyter of Edinburgh; but whether these promotions were one or both at or about this time, or not for sometime afterwards when Millar died, I do not exactly know, I being then abroad;¹ and the chronology of this circumstance is of no moment, seeing, be it sooner or later, they did not think themselves bound to ask after the *King's* approbation. The independence of the Church was now in all

¹ Bishops Dunbar and Keith were consecrated at Edinburgh on the same day. The former had been minister of Cruden before the Revolution, and suffered severely by that event. He was elected by the Presbyters of the Diocese of Moray to be their Bishop.

their mouths, and indeed they shewed no regard for any powers civil or ecclesiastic, but in so far as they were on their side of the question. This was highly displeasing to a great many, nay, the far greater part of the laity, many of whom told plainly that as they had ventured their lives for the *King*, they could not countenance a set of men who advanced maxims and pursued measures tending directly to lop off several branches of the royal prerogative; and so offended were the managers of the most considerable meeting-house in Edinburgh, that they dismissed Bishop Cant and Mr Patrick Middleton from being pastors thereof. The first deserved some pity, in regard he was a person highly valuable on account of his integrity, learning, and zeal, and that the part he acted was only to be ascribed to the decay of his judgment, and being easily imposed upon in his advanced age; but as the other was a factious arrogant creature, and guilty of many irregular indecent actions, he richly merited the disgrace he met with. The College of Bishops judged it now proper to proceed to the consecration of Gillan, and it were much to be wished they had stopped there, and not at the same time promoted another Presbyter of Edinburgh, Mr Ranken; for as one of their objections against Rattray and others was that it was done without the *King's* knowledge, it was a firm foundation to stand on; but this step of theirs did take it quite off, though for their own justification they offered that it was done by the particular express direction of Mr Graham and Mr Hay, two of the *King's Trustees*, who, believing it for the service of the Church, advised the measure, and the opposite set alleged the authority and approbation of Lord Panmure, another of the *Trustees*, and that the service of the Church required also what they had done, which, like many texts in the Scripture, is often produced to justify contradictions and serve bye views.”¹

¹ Lockhart Papers, containing Memoirs and Commentaries upon the Affairs of Scotland from 1702 to 1715, by George Lockhart, Esq. of Carnwath, his Secret Correspondence with the Son of King James II. from 1718 to 1728, &c., published from Original Manuscripts in the possession

The "*Trustees*" here mentioned were a number of Jacobite Noblemen and gentlemen who superintended the affairs of the "*King*," as they called the Chevalier in Scotland, and regularly corresponded with the exiled son of James II. The statements of Lockhart of Carnwath, however, must be received with caution, particularly such accusations as those against the Rev. Patrick Middleton, one of the Presbyters of Edinburgh, who, instead of being "guilty of many irregular indecent actions," was in reality a most excellent, pious, and worthy man. The great offence he committed was his resistance to the servile notions of the more violent of the Jacobite party, who were completely warped by the principles of passive obedience. The Chevalier was duly informed of all the proceedings of the Scottish Bishops and clergy by his "*Trustees*," and his concurrence or recommendation to the Episcopate was long considered necessary. His policy in attempting to preserve his controul over the Scottish Episcopal Church was obvious, for by maintaining this connection he could always command the influence of a numerous body of clergy whom persecution had attached more strongly to his interest, and who, like the English Nonjurors and the Roman Catholic Jacobites, seriously indulged the vain though not then improbable hope of the restoration of the exiled Dynasty. When we consider the times and the peculiar circumstances of the Church, it is not easy to understand what could be the objects of those Presbyters who longed so earnestly for the Episcopate; and nothing short of a positive belief that the Stuart Family would recover the Throne could have induced them to solicit the unfortunate Chevalier for the only influence he had in his power to exercise. His zealous partizans of the College Party were opposed to Diocesan government from political motives. They wanted the Chevalier to nominate the Bishops as if he had been the reigning Sovereign, instead of the clergy of each Diocese electing their own Bishops and intimating their choice to the Primus. The additional clamour against the

of Anthony Aufrere, Esq. of Hiveton, Norfolk. London, 4to. 1817, vol. ii. p. 333, 334.

"Usages" that they were "*Popish*," was altogether unfounded, and the "*Trustees*" never intended it to be serious. That dispute, however, had been adjusted; but Bishop Gadderar of Aberdeen still asserted the privilege, in the peculiar circumstances of the Church, of the Presbyters to elect their own Bishops, without any dependence either on the Chevalier, though he was called the "*King*," or on a College of Bishops. The latter, he zealously argued, was altogether a novelty, unknown, and never practised, in any period of the history of the Catholic Church; and as to the Chevalier, though his *rights* were undoubted, it was plain that he could not exercise any acts of regal power, because he was not the sovereign *de facto*, and the Church had ceased to be the National Establishment. If the exiled Family were restored, and the Church established by law as before the Revolution, it was clear that the sovereign should exercise his prerogative; but even then he could only issue his *cong   d'elire* when a Diocese became vacant, and he could not multiply the consecrations as he pleased, which was evidently the principle on which the College was designed to be constituted.

The consecration of Mr Gillan by the College Bishops excited much opposition, as he was known to be devoted to that interest. He had been nominated the successor of Bishop Fullarton as Primus by the Chevalier, and twenty of the Presbyters of Edinburgh signed a remonstrance against him; but Lockhart of Carnwath states that "some of them afterwards deleted their names, or signed a recantation." Among those connected with this document was Bishop Keith. "The signers of this paper," says our cavalier politician, "were the set I formerly described. To these were added a parcel of hot-headed young men, and a few of some character, particularly Mr Robert Keith, who secretly grudged that Gillan, though a person of good age, that is above sixty, yet but lately admitted into holy orders, should step over them his seniors.—Whilst this affair was thus tossed about, I had a conference with Mr Keith, one that had the best character of any that concurred in these measures, and, having been once well acquainted with him, I took the liberty

to tell him I was much surprised to find his name at a paper so seditious, false, and unmannerly ;—that it contained what was plain treason, in the sense of the laws in force before the abolishing of Episcopacy, and he must either abandon his pretended principles or stand guilty of treason *in foro conscientiae* ;—that the starting such questions and disputes was very unseasonable, as it could not fail to divide the party, and at the same time give the *King* and all mankind a strange impression of an order of men who pretended to suffer for their loyalty, and yet acted a part so diametrically opposite thereto, and withal so ungenerous, as was the prosecuting at this juncture measures that none would dare own, were the *King* on the throne ;—that they injured the *King* much in saying he had broke his promise, or that Gillan was only recommended by me, for that Gillan was recommended by so many, both clergy and laity, as justified my making the proposal, and his *Majesty* approving and giving directions in it ;—and supposing, as they averred, that I alone had recommended him, if they had no personal objection to him I had the vanity to think I deserved better usage from the Episcopal clergy, whose interest I had never forsaken. I concluded with earnest entreaty that he [Keith] would use his interest to preserve peace and unity, and not fly so unreasonably in the *King's* face, and I added that whereas I knew they were jealous of a design to promote Gillan to the See of Edinburgh, as I knew the *King's* sentiments in the disposal of that vacancy when it should happen, I could assure him that his *Majesty* would by no means think of advancing him or any man, but with the previous advice and approbation of the College and the Presbyters of that Diocese ; and he should have what farther security he could reasonably demand on that article ; and consequently it would be altogether owing to themselves if it did not go as they had a mind. He [Keith] answered, that it was certain the State had made great encroachments on the Church, and he would not say but there were some inconveniences in attempting to recover them at this juncture ; yet they could not in conscience sit altogether silent, and he had authority

to make two propositions for peace sake, either that the whole affair should be referred to the Lord Dun¹ and Mr James Graham, or that another of unquestionable character, whom his [Keith's] friends would name, should be consecrated along with Gillan. I replied with indignation that the *King* was not quite reduced so low as to make a reference or composition with a parcel of little factious priests in the Diocese of Edinburgh, who, as they were serving the Covenanted cause, should change their black gowns into brown cloaks, and I did not doubt they would be received into the godly party, unless ecclesiastic had the same fate with state traitors, in being despised by those they served."²

Bishop Norrie, of the College Party, died in March 1727, and Bishop Millar of the Diocesan Party, who was Primus and Bishop of Edinburgh, in October that year. After the death of the latter the Presbyters met to elect a successor, and on this occasion they were joined by those of their brethren who had refused to co-operate with the majority who elected Bishop Millar. They had the boldness to bring with them two of their Bishops, who, contrary to their usual practice on such occasions, and without considering the dignity of their own Order, actually claimed a right to sit and vote with the Presbyters of Edinburgh. It is not known whether this was an effort in favour of the College scheme, or whether they were desirous that one of those Bishops should be elected; but the Diocesan Party were anxious that Bishop Keith, who had acted as coadjutor to Bishop Millar, should be chosen his successor. Both, however, were disappointed, for the choice of the Presbyters fell upon the Rev. Andrew Lumsdaine, formerly minister of Duddingstone near

¹ This appears to have been the Hon. Francis Stuart, who succeeded his brother as sixth Earl of Moray in 1735, and died in 1739. He was one of those summoned to surrender on suspicion of disaffection during the Enterprize of 1715. Lockhart simply writes *Lord Dun*, but his phraseology and mode of spelling are peculiar. It is possible, however, that this Lord Dun may have been David Erskine of Dun, who was a Judge in the Court of Session by the title of Lord Dun, from 1710 to 1753. He was an opponent of the Union.

² Lockhart Papers, vol. ii. p. 325-329.

Edinburgh, their Archdeacon under Bishop Fullarton, and he was consecrated at Edinburgh on the 2d of November by Bishops Cant, Rattray, and Keith. But the old dissensions still pervaded the Church. "The Episcopal clergy," writes Lockhart of Carnwath to the Chevalier, dated 22d January 1728, "are broke and split into parties and discord; one set, headed by Lord Panmure and Mr Carnegie, seem to have renounced all dependence on both civil and ecclesiastical superiors [the Chevalier and the College of Bishops], so that to all outward appearance they are in a bad situation, especially since thereby the unity which has hitherto prevailed among both clergy and laity of that Communion, your friends, is broken and evanished."¹

This state of affairs continued till 1731, when the College Party, and even their Bishops, perceiving that they were unable to resist the progress of their opponents, announced their willingness to enter into terms of agreement for the future peace of the Church. Conferences were held between Bishop Keith, as representing the Diocesans, and Bishop Gillan, on behalf of the College adherents, the junior Bishops of each party. Towards the end of December a document, known as the "*Concordate*," was ordered to be prepared, and it was subscribed by all the Bishops on the 13th of May 1732. This final arrangement, which is generally understood to have been effected by the prudence and moderation of Bishop Keith, completely extinguished the extraordinary project of governing the Church by a College of Bishops nominated solely by the Chevalier and his "Trustees," and restored internal quiet among the clergy and laity. The contents of this important document are given by Mr Skinner, entitled, "Articles of Agreement among the Bishops of the Church of Scotland," and indicate the sentiments of the Bishops and Clergy at the time.—"I. That we shall only make use of the Scottish² or English Liturgy in the public Divine Service,

¹ Lockhart Papers, vol. ii. p. 392.

² This apparently refers to the Scottish Liturgy of 1637 in Charles I.'s Reign, but it may also mean the Scottish Communion Office, peculiarly so called. There never was any other Scottish Liturgy, in the collective or

nor shall we disturb the peace of the Church by introducing into the public worship any of the ancient Usages, concerning which there has lately been a difference among us, and that we shall censure any of our clergy who shall act otherwise. II. That hereafter no man shall be consecrated a Bishop of this Church without the consent and approbation of the majority of the other Bishops. III. That upon the demise or removal elsewhere of a Bishop of any district, the Presbyters shall neither elect, nor entrust to another Bishop, without a mandate from the Primus, by consent of the other Bishops. IV. That the Bishops of this Church shall, by a majority of voices, choose their Primus for convocating and

complete sense, containing the Order for Morning and Evening Prayer, and all the Offices of the Church, except that of 1637. It is of importance, however, to know that, though the extensive use of the English Liturgy in the ordinary Service of the Church in Scotland has been, and still is, attended with beneficial effects as a bond of unity with the mother Church of England, that very Liturgy was not without its opponents in Scotland. They objected to it, not as a *Liturgy*, but because they considered some of the Offices enjoined in it defective. The following extract from a letter written by Bishop Gadderar of Aberdeen, dated Arbuthnott, April 20, 1723, to the "Right Reverend John [Fullarton], Bishop of Edinburgh, PRIMUS, and to the Right Reverend Bishops Arthur Millar, William Irvine, Andrew Cant, and David Freebairn," explains the above statement. It is a letter of remonstrance to the Bishops on sundry important points, and is a very lengthy document. "What you say of an Established Liturgy," says Bishop Gadderar to his Right Reverend Brethren, "wants to be explained. I am sure that cannot be the *present English Liturgy*, which never has been, nor ever will be received, *as it is*, by a lawful Convocation of this Church; neither do I believe it would be approved by the Convocation even of that Church [of England], without considerable additions and alterations, were the clergy there [in England] at as much liberty as we are. Our own has a good deal of authority—that of the then Bishops who composed it, and of the Royal Martyr [Charles I.]; but it wanted that of a Convocation, and of an Act of Parliament, which made it miscarry then." Bishop Gadderar evidently wished that instead of the English Liturgy, the Scottish Liturgy of 1637, which is the Liturgy of Charles I., arranged by sundry Scottish Bishops, and ignorantly designated Archbishop Laud's Liturgy, should have been introduced and publicly recognized. The writer of this Sketch is indebted to James Steuart, Esq. W.S. Edinburgh, a descendant of the celebrated Ruddiman who printed Bishop Keith's "History of the Affairs of Church and State in Scotland," for a perusal of Bishop Gadderar's letter, which is an original in excellent preservation.

presiding only, and that no Bishop shall claim jurisdiction without the bounds of his own district. V. We, the Bishops of the Church of Scotland, have chosen and appointed Bishop Freebairn to be our Primus, for convocating and presiding only, according to the foregoing Article." The sixth Article refers to the ecclesiastical arrangements. The Diocese of Edinburgh was allotted to Bishop Lumsdaine, and Caithness, Orkney, and The Isles, were placed under the superintendence of Bishop Keith; but though the boundaries of the ancient Dioceses as recognized before the Reformation and Revolution were for the most part preserved, it was modestly added—" *By the foresaid division of districts we do not pretend to claim any legal right to Dioceses.*" This document was signed by Bishops Freebairn, Ochterlonie, Rattray, Gillan, and Keith, and subsequently by all the others.

Such was the "*Concordate*" of the Scottish Bishops which adjusted the controversy, and "from this time," observes Mr Skinner, "the College system fell to pieces every day, and the Primitive Diocesan Episcopacy revived, though not to the former extent, yet as far as the circumstances of the Church required or allowed." The whole proceedings were most satisfactory even to those who made the greatest sacrifices of their opinions and inclinations. Bishop Rattray, in a letter to Bishop Keith, quotes the language of Bishop Gillan, who trusted that "it would not, through God's grace, be in the power of men or of devils to disturb that happy union with which He has been pleased to bless us.¹" The contest, during its continuance, excited considerable interest among the opponents of the Church; but it is a singular coincidence that the Presbyterian Establishment began to be agitated by its own peculiar schisms, discords, and dissensions, at the very time when the controversy—for the dispute was never of a more serious aspect—was concluded by the "*Concordate*." The seeds of dissent from the Established Presbyterian system were sown throughout Scotland, and soon grew up in rank luxuriance, the chief alleged grievance being

¹ Bishop Russell's edition of Keith's Catalogue of the Scottish Bishops, p. 29.

the exercise of lay patronage in presentations to parishes, which, it was contended, interfered with the asserted right of the people to elect their own ministers. In 1733 originated the Dissenting body known as the *Secession*, who were followed by another party who called themselves the *Relief Synod*. Other departures from the pale of the Established Presbyterianism ensued, all of which may now be regarded as so many harbingers of the grand "Disruption" attempted in 1843; and the consequence is that Scotland, considering its extent and population, abounds more with sects and parties of all kinds than any country in Europe.

Bishop Keith, at his consecration in 1727, was entrusted with the superintendence of the clergy in the ancient Dioceses of Caithness, Orkney, and The Isles, which then contained a number of Presbyters and small scattered congregations. We have seen that this arrangement was confirmed by the "Concordate" of 1732; but as he continued to reside in Edinburgh as the pastor of a congregation, little is known as to the manner in which he discharged the duties of the Episcopate in those distant and secluded districts, at a period when the roads were wretched, travelling accommodation difficult to be obtained, and local intercourse extremely limited. "There are extant, no doubt," according to Bishop Russell, "several records which shew that he was from time to time employed in providing his remote Diocese with competent clergymen, as well as with other means of Christian knowledge and Divine grace; but there remains, notwithstanding, no small degree of obscurity both in regard to the precise manner in which he executed his Episcopal functions, and also as to the extent of the period during which he continued Bishop of Caithness and The Isles." As respects the Diocese of Orkney, which includes the Shetland Isles, the Episcopal clergy were very few in number. The Rev. Mr Hunter, whose daughter married the Rev. John Skinner of Longside, the distinguished poet and theologian, was the last Episcopal clergyman who discharged the pastoral functions in the Shetland Isles, and he was under the superintendence of Bishop Keith.

At the signing of the Concordate in 1732 nine Diocesan

Bishops formed the Scottish Episcopal Synod, of whom Bishop Freebairn was *Primus inter Pares*, or Presiding Bishop. At the death of Bishop Lumsdaine of Edinburgh in 1733, Bishop Freebairn was elected by the Presbyters of that Diocese as their Ordinary. Bishops Duncan and Rose also died in 1733; but the greatest loss which the Church sustained was the death of the respected Bishop Gadderar of Aberdeen in February of that year. Bishop Dunbar, to whom had been assigned the ancient Dioceses of Moray and Ross, was chosen the successor of Bishop Gadderar, by the Presbyters of Aberdeen in June following. He accepted their nomination, and the Presbyters of Moray elected the Rev. George Hay to be their Ordinary, but he died before his consecration, and the district continued vacant till 1741. In 1733 Bishop Keith was elected Diocesan of Fife, all of which county lies within the Archbishopric of St Andrews; but as the Scottish Bishops did not consider it expedient to retain the ancient title of the Primacy after the Revolution, it has since merged into the common designation of the Diocese of Fife. Bishop Keith, nevertheless, still performed Episcopal offices for the Diocese of Caithness, Orkney, and The Isles. An original letter exists from some gentlemen in the remote seaport town of Stornoway, in the Lewis division of the Hebridean Long Island, dated July 22, 1738, addressed to Bishop Keith, thanking him "most kindly for his care of them in sending among them the Rev. Mr John Williamson of Skye." Two original deeds also certify the ordination of Mr James Winchester as Deacon and Presbyter, which was performed by Bishop Keith for Orkney, in 1749 and 1751—" *juxta morem Ecclesiæ Scoticanæ*." Another original letter from Mr James Taylor at Thurso to Mr Robert Forbes [of Leith], afterwards Bishop Forbes, dated the 12th of July 1757, expresses surprise that "any could call in question Bishop Keith being acknowledged Bishop of Caithness and Orkney."¹ It is, however, certain that Bishop Keith was

¹ MSS. in the Episcopal Chest at Aberdeen, cited by Bishop Russell in his edition of Bishop Keith's Catalogue of the Scottish Bishops, p. 29, 30.

transferred to the Diocesan superintendence of Fife in 1733, which he retained till he resigned it, on the 23d of August 1743.

In 1734, Bishop Keith published at Edinburgh, the first and only volume which ever appeared of his valuable "History of the Affairs of Church and State in Scotland, from the beginning of the Reformation in the Reign of King James V. to the Retreat of Queen Mary into England anno 1568: taken from the Public Records and other Authentic Vouchers." As the merits of the work are noticed elsewhere, a few facts only connected with it are here stated. It appeared in folio, and was printed by the celebrated scholars Thomas and Walter Ruddiman, for George Stewart and Alexander Symmer, who are described as "*Undertakers*," and "sold by them and Gavin Hamilton, Bookseller." It was published by subscription, and was dedicated to Lady Jane Douglas—the only daughter of James second Marquis, and sister of Archibald third Marquis, created Duke of Douglas in 1703. The marriage of this lady in 1746, when in the forty-eighth year of her age, to Colonel afterwards Sir John Stewart, Bart. of Grandtully, originated the celebrated *Douglas Cause*. We have seen that Bishop Keith by his grandmother, who was a daughter of Gavin Douglas of Easter Barras, claimed relationship to "the Dukes of Douglas and Hamilton, and to all the branches of these most honourable Families." The "List of Subscribers" is remarkably curious, comprising the Library of the Faculty of Advocates at Edinburgh, the Society of Writers there, the Society of Writers at Stirling, the Scottish College at Paris, and 350 individuals, many of whom were persons of the first rank in the kingdom. The List has been designated a kind of "*muster roll*" of the principal Jacobite Nobility and Gentry of Scotland at the time; but this, as is subsequently noticed, is incorrect, and an examination of it proves that many of them were staunch supporters of the House of Hanover, such as the celebrated Duncan Forbes of Culloden, afterwards Lord President of the Court of Session; Sir William Nairn of Dunsinnan; Hew Dalrymple of Drummore, a Judge in the Supreme Court by

the title of Lord Drummore; Sir James Dalrymple of Hailes, Bart.; Erskine of Dun, Sir Gilbert Elliot of Minto, and Sir Alexander Ogilvie of Forglen—three gentlemen who were also Judges; and several of the Nobility who had no connection with the Enterprizes of 1715 and 1745. Among the names occurs that of the famous Rob Roy, who is designated “Robert Macgregor *alias* Rob Roy,” and who figures after his relative Macgregor of Glengyle. It would be interesting to ascertain what induced Rob Roy to appear in the character of an encourager of literature; but it is not likely that he ever read the work, as he died during the year after its publication, and his well known avocations had no connection with historical researches. Another name is that of the “Rev. Mr Robert Blair,” who is considered to be the well known author of “The Grave,” and who was the Established Presbyterian minister of the parish of Athelstaneford in Haddingtonshire.

Bishop Keith’s “History of the Affairs of Church and State in Scotland” was the chief source whence Principal Robertson derived the first portions of his “History of Scotland during the Reigns of Mary and James VI.,” published in February 1759, two years after the Bishop’s death. The Bishop’s Work is also valuable, for the large collection of documents it contains, illustrative of his narrative, and is a lasting memorial of his industry, learning, and acquirements. “Such a book,” says the Nonjuring Bishop Smith, his correspondent and antagonist, “will stand the test of ages, and always be valued, because no fact is related but upon the best authority.” It is a matter of deep regret that Bishop Keith did not live, or probably was unable by the infirmities of age, to complete the “History” he projected, which would have extended to at least another folio volume. At his death he left a few sheets of his second volume, but these, with others of his manuscripts, appear to be irrecoverably lost.

On the 14th of June 1735 we find Bishop Keith assisting, with Bishops Rattray and Dunbar, at the consecration of the Rev. Robert White, Presbyter at Cupar-Fife, who had

been elected Diocesan of Dunblane on the 18th of March, after the death of Bishop Gillan, which occurred in January. This consecration was held at Carsebank near Forfar, in direct opposition to the wish of Bishop Freebairn the Primus, who had issued his mandate for it to be performed in Edinburgh. Mr Skinner assigns a reason for this disregard to the order of the Primus. "This gentleman [Bishop Freebairn] still retained a tincture of the old political leaven [allowing the Chevalier to nominate the Bishops], and attachment to established forms; and having by means of his son, who was in great favour abroad [with the Chevalier], got hold of some papers he was fond of, he called a meeting of the Bishops in 1734; but they, suspecting the design, and not choosing to be longer entangled with any thing of that nature, declined the meeting, and would not so much as look at his papers." Shortly afterwards Bishop Gillan died, and Mr White was duly elected his successor by the Presbyters. Bishops Rattray, Dunbar, and Keith, requested Bishop Freebairn to appoint the day for the consecration of Mr White; but his conduct dissatisfied them, and they proceeded with the solemn office at Carsebank. "This" says Mr Skinner, "produced a warm remonstrance from Bishop Freebairn, which was properly answered from the other side, and some other little differences ensued at the instigation of Bishop Ochterlonie, who sought still to keep up division, but they were not of long duration, for Freebairn died in 1739, and Ochterlonie in 1742." After the death of the former, no Bishop of Edinburgh was elected till 1776, and the reasons assigned for this long vacancy are as contradictory as they are doubtful, for, from the signing of the Concordate in 1732 to the suppression of the Enterprize of 1745-6, the Scottish Episcopal Church enjoyed internal peace and considerable temporal prosperity. "During that period," says Bishop Russell, "her clergy were numerous, and many of them learned, whilst her chapels were frequented by all orders of the people from the highest peer to the lowest peasant, even judges and magistrates joining in her worship. Although the King was not prayed for *by name*, and al-

though by far the greater number of the clergy were attached to the exiled Prince, political opinions respecting the rights of the Sovereign were at no period, at least after the extinction of the College Party, made terms of communion."¹ The old doctrine of *indefeasible hereditary right* was disclaimed by some of the clergy, but the *Oath of Abjuration* was the great obstacle; and without taking it and the *Oath of Allegiance*, the mention of the reigning Sovereign *by name* in the Liturgy would have been of no advantage. Several magistrates were fully aware of this, but seldom enforced the penal section of the Act of Queen Anne.

On the 4th of October 1742, we find Bishops Rattray, Keith, and White, consecrating the Rev. James Rait, Presbyter in Dundee, as successor to Bishop Ochterlonie in the Diocese of Brechin, vacant by his death. Bishop Rattray of Craighall, who had succeeded Bishop Freebairn as Primus in 1739, died in 1743. His successor as Primus of the Church was Bishop Keith, who at the same time resigned the Diocesan superintendence of Fife, which was transferred to Bishop White. The Rev. John Alexander, Presbyter at Alloa, was elected by the Presbyters of Dunkeld in the room of Bishop Rattray, and he was consecrated at Edinburgh on the 9th of August 1743 by Bishops Keith, Falconer, White, and Rait.

After the consecration of Bishop Alexander, the assembled Bishops met, and on the motion of Bishop Dunbar they constituted themselves an Episcopal Synod, Bishop Keith presiding as Primus, and Bishop Alexander acting as clerk. Certain Canons, prepared by Bishop Rattray as suitable to the peculiar circumstances of the Church, were taken into consideration, and ratified, with the addition of six others, amounting in all to sixteen. These Canons embodied all the articles of the Concordate, regulating the election and official duties of the Primus, and the mode of electing Bishops to vacant Dioceses by the Presbyters. The fourth Canon declares, that upon the demise or translation of any Bishop, the Presbyters of the vacant district should neither elect, nor

¹ Scottish Episcopal Magazine, 1821, vol. ii. p. 207.

entrust themselves to another Bishop, without a mandate from the Primus and the majority of the Bishops ; but if the Primus refused to grant such a mandate, the latter could issue it without his assent. The fifth Canon required the person elected to be sanctioned by a majority of the Bishops, who were entitled to reject him on sufficient grounds, which obliged the Presbyters to proceed to another election.

When all the Canons were promulgated by Bishop Keith and the other members of the Episcopal Synod to the clergy, some of the latter in Edinburgh, who cherished the intention of electing one of their own number to be their Diocesan, who, they were well aware, would not be acceptable to the Bishops, objected to the Canon which regulated the mode of choosing the Bishops as infringing upon the rights of the Presbyters. They also complained that some of the other Canons curtailed the powers of their Ordinary as Bishop of Edinburgh. A series of remonstrances from those Presbyters ensued, which were connected with a project for bringing Bishop George Smith, one of the English Nonjurors, into Scotland, in opposition to the warnings of the Scottish Bishops.¹ On the 24th of May 1744, Bishop Keith addressed a long letter of remonstrance to Bishop Smith, the purport of which will be understood by the following passage : —“ I am sorry to find you forming a resolution to set forward an illicit consecration in this country, and thereby to raise a most horrid schism in this free and independent Church, for no cause whatsoever that any indifferent persons even in your own country will be able, I dare presume, to discern. I can assure you there is neither any alteration intended here in the public worship, nor is there any complaint in all this kingdom upon that score, except perhaps by the seditious of Edinburgh, who under that sculk, are fond to palliate their old rancour, envy, and hatred of us Bishops.” Bishop Keith refers in the conclusion of his letter

¹ Those remonstrances were first printed in “The History of the Scottish Episcopal Church from the Revolution to the Present Time,” Edinburgh, 1843, p. 269-286, by the writer of this Sketch. They are derived from a MS. volume, entitled “Disputes of the Episcopalians,” preserved in the Library of the Faculty of Advocates at Edinburgh.

to his declaration of the 7th of April, a letter from Bishop Dunbar to him dated 28th of April, and a letter from Bishop Alexander to him dated 14th May. Bishop Smith's conduct elicited a strong declaration dated July 12, 1744, which was signed by Bishop Keith as Primus and the other Bishops; and his unwarrantable interference in the internal affairs of the Church in Scotland induced Bishop Alexander and eleven Presbyters to issue a severe document condemning all his proceedings, dated at Alloa on the 22d of October. The Presbyters of Edinburgh sent a "Third Address to the Bishops of Scotland" on the 22d of December. On the 17th of August the Rev. James Mackenzie, who, as "Preses" of the Presbyters, had transmitted to Bishop Keith ten queries on the relative connection of Bishops and Presbyters, very unpolitely thus expressed himself:—"I take the freedom to send you the enclosed queries, and I hope you will not treat them as you did my letter about the exemption Canon, by smuggling anonymous remarks among your particular admirers, without addressing for me a copy of them, but that you will vouchsafe to send me a direct, proper, and subscribed answer." The reply which Bishop Keith returned to Mr Mackenzie's queries and his angry epistle is not preserved, but the "Third Address" of the Presbyters of Edinburgh to the Bishops elicited a long letter from him to them on the 25th of January 1745. Some of them replied on the 7th of February in a document of considerable length, which throws very little light on the dispute, being chiefly an elaborate defence of Bishop Smith from the charge of "usurpation and encroachment" in the affairs of the Church. It is addressed to Bishop Keith, and is entitled "Reasons for not subscribing the condemnation of Bishop Smith of England, in answer to a paper of said Bishop Keith urging that subscription." In this letter they acknowledge the one by the Bishops dated the 25th, which, they allege, was not, and could not be, communicated to them till the 28th.

As it respects Bishop Keith's conduct in this dispute, and his collisions with the Presbyters of Edinburgh, the following statement is probably an explanation:—"It is a trite

observation," says Bishop Russell, "that the man who most conscientiously does his duty, is not always rewarded with the first burst of popular applause, and we find accordingly that Bishop Keith was by no means beloved by the Presbyters of Edinburgh, among whom he had been so many years resident. He was seldom asked by any of them to perform in their congregations the offices peculiar to his Order, and if we were to judge from a variety of addresses, remonstrances, and replies, which are still on record, we should say, that his intercourse with the inferior clergy was almost entirely confined to disputes about the limits of episcopal jurisdiction and the privileges of the priesthood. The Presbyters of Edinburgh, who, at the period in question, used to elect a Moderator, and assume considerable powers as a regular and standing *Presbytery*, were extremely jealous of any higher authority in the Church; while the Bishops, on the other hand, regulating their proceedings by a regard to abstract principle and ancient usage, rather than by a due consideration of the circumstances in which late events had placed their Communion, and still less by views of expediency, appear on several occasions to have aimed at the possession of a degree of power which would have inevitably sunk the second order of ministers into absolute insignificance. The enactment of Canons in 1743, as laws regulating the practice and defining the obedience of the whole Church, without desiring the advice or concurrence of any of the Presbyters, was a stretch of prerogative which could not prove agreeable to the latter description of clergy; and although the Bishops might have no difficulty in proving that they had not on this occasion exceeded the limits of the authority inherent in their order, and which had been frequently exercised by the rulers of the Church in the purest times of Christianity, they would yet have attained their object more effectually by conceding a little to the spirit of the age and the wishes of their brethren. The share which Bishop Keith had in this rather unseemly controversy will serve as an excuse for the mention which has been made of it in this place. His local situation as being resident in the metropolis, his official

station as *Primus*, and, above all, his personal influence as a man of business as well as of letters, will account for the prominent part he acted as the representative and advocate of the Episcopal Synod."

While those discussions were occupying the attention of Bishop Keith, he was not regardless of his favourite ecclesiastical and historical researches. This appears by the following extract from the "Bishops' Record," lately in the possession of the Right Rev. James Walker, D.D., Bishop of Edinburgh and *Primus*, who died in 1842 sincerely regretted by the Church:—"At Edinburgh, Tuesday, August 23, 1743.—After the [Diocesan] Synod was constituted by prayer, Bishop Keith having presented a List of the MSS. relating to this Church, which were delivered by the late Bishop Rose of Edinburgh his lady¹ to the late Bishop Fullarton of Edinburgh, for which this last named Bishop gave receipt to Bishop Rose's lady, dated September 1720; therefore, charge was given to Bishop Keith to inquire after, and, if possible, to recover the said MSS. out of the hands of the heirs, &c. of the late Bishop Fullarton, and to report his diligence to the next Synod."²

¹ This must refer to the sister of Bishop Rose, as that venerable Prelate was never married.

² The List of the MSS. reported by Bishop Keith to this Diocesan Synod will be interesting to the reader, and it is annoying to state that most of those valuable MSS. are now probably lost, or are irrecoverable. Bishop Keith's List was as follows—

- " 1. A BOOK OF THE SYNODS OF EDINBURGH.
2. SOME TRANSACTIONS OF THE COLLEGE OF BISHOPS.
3. PRESBYTERY BOOK OF THE MEARNES [KINCARDINESHIRE].
4. REGISTER BOOK OF THE BISHOPS, *Five Volumes*.
5. PRESBYTERY BOOK OF FORFAR.
6. PRESBYTERY BOOK OF ABERBROTHWICK.
7. REGISTER OF THE PROVINCIAL ASSEMBLY OF FIFE, *Five Volumes*.
8. SESSION-BOOK OF [THE PARISH OF] INNERKIP [IN RENFREWSHIRE],
Two Volumes.
9. REGISTER OF BAPTISMS AT INNERKIP, FROM 1665 TO 1680.
10. PROVINCIAL BOOK OF ARGYLL.
11. PRESBYTERY BOOK OF DUNFERMLINE.
12. PROVINCIAL ASSEMBLY BOOK OF GLASGOW AND Ayr, *Two Volumes*.
13. RENTAL OF THE BISHOPRIC OF EDINBURGH."

It is asserted that Bishop Keith published, about 1743 or 1744, some "Select Pieces of Thomas a' Kempis," translated into English. In the Preface to the second volume he is alleged to have introduced several addresses to the Virgin Mary, for which he was required to give an explanation by his brethren. As the present writer has failed to obtain any information regarding this performance, he cannot offer an opinion to the reader. It is mentioned in a letter written by Bishop Rait.¹

After the suppression of the Enterprize of 1745, the Scottish Episcopal Church encountered a most severe persecution from the Government. Incarceration for six months was enacted against those clergy who neglected to register their Letters of Orders, and refused to pray for King George and the reigning Family by name, and transportation to the Plantations in America for life was to be the punishment for a repetition of any subsequent "offence" of that nature. It is to be observed, that the only Letters of Orders, the validity of which was even admitted to any extent, were those granted by an English or Irish Bishop. The intention was to destroy the Episcopal Succession of the Scottish Church. Pecuniary encouragement was given to informers, and a congregation was defined to consist of "five persons or more," who "shall be met together to hear Divine Service, over and besides those of the household" or family. Political disabilities were inflicted on the laity, of whatever rank and profession, who resorted to any such Episcopal "meeting-house." It cannot be denied that the object of the Act of 1746, was to annihilate the Scottish Episcopal Church. This is indeed almost avowed in the clause affecting the Peers of Scotland, in which Presbyterianism is designated the "present happy Establishment;" and one reason assigned for involving the Scottish Episcopal Nobility and gentry in this persecution and proscription, by which they were denied the exercise of their civil rights, is that "they should be restrained from hurting that Establishment,

¹ See also the SCOTS MAGAZINE, vol. xix. p. 54.

to which they shew *such disaffection*." The sole *offence* or *crime*, as it was considered by the Government, was the omission of the name of King George II. in the Liturgy by about two hundred clergymen, who had not the power, especially after the suppression of Prince Charles Edward's Enterprize, to injure the Government in the slightest degree, whatever were their political predilections. But if the great object of this Act was to annihilate the Church by destroying the Episcopal Succession, its framers were disappointed. In the beginning of 1746 Bishop Dunbar of Aberdeen died, and the passing of the Act, and its penal consequences, did not deter the remaining Bishops from their duty. The Presbyters of Aberdeen elected the Rev. Andrew Gerard to be their Diocesan, and he was consecrated on the 17th of July 1747 by Bishops Falconer, White, Rait, and Alexander.

Bishop Keith, though the Primus, is not mentioned as present at this consecration, and indeed he never assisted at any such solemnity after the consecration of Bishop Alexander in 1743. The peculiar circumstances in which he was placed after the memorable events of 1745 and 1746, or what privations and annoyances he endured, are not stated; but he was then advancing into the vale of years, and probably his own personal character, in addition to the influence of his numerous friends of high rank, protected him from much inconvenience. It is previously stated that very few of the subscribers to his "*History*" were connected with the Enterprize of 1715. The more conspicuous of them in his printed List were the Earl of Carnwath, the Viscount of Kenmure, Cameron of Lochiell, Macdonell of Glengarry, and a gentleman who is styled the Master of Nairn. The first was Sir Robert Dalzell of Glenae, who succeeded as sixth Earl of Carnwath in 1703, and who was attainted for joining the Enterprize of 1715. He was condemned to be executed as a traitor, and his estate was forfeited; but he was pardoned, and he died at Kirk-michael in 1737, three years after Bishop Keith published his *History*. As the Jacobites did not consider the attainder legal, they always spoke of him and his son as the *Earls of Carnwath*. His nephew, the Viscount of Kenmure, was in

a similar position. He was the eldest son of William sixth Viscount of Kenmure by the only sister of the Earl of Carnwath. The Viscount was attainted, forfeited, and beheaded on Tower Hill, in February 1716, for the Enterprize of 1715. The Master of Nairn appears to have been the eldest son of the Hon. John Nairn, the eldest son of Lord William Murray, fourth son of John first Marquis of Atholl, who succeeded the first Lord in 1683. Both father and son were taken prisoners at Preston in November 1715, were attainted and forfeited in 1716, and the former sentenced to be beheaded; but he was respited, and afterwards pardoned. The Earl of Panmure also appears on Bishop Keith's list of subscribers. This must have been the Hon. Harry Maule of Kelly, otherwise Auchterlony, in the parish of Arbirlot, near Arbroath. He was the youngest son of George second Earl, and brother of the third and fourth Earls, the latter of whom he rescued when taken prisoner at the battle of Sheriffmuir in 1715. The Hon. Harry Maule, who died at Edinburgh in 1734, is described as a gentleman "spending much of his time in the study of the laws, history, and antiquities of his country." Another name appears on the list, which is thus printed—" *Right Hon. the Earl M——l.*" This was George Keith tenth Earl Marischal, to whom Bishop Keith was preceptor, and who was attainted and forfeited for engaging in the Enterprize of 1715, though he was always designated the Lord Marischal. He was the intimate friend of Frederick III. of Prussia. His brother, the Hon. James Keith, the celebrated Field-Marshal Keith in the Prussian Service, appears also as a subscriber to the Bishop's "History." In the List is the name of the "Right Hon. the *Marquis* of Seaforth." The Nobleman so designated was William fifth Earl of Seaforth, who was attainted and his estates forfeited for the Enterprize of 1715. His father Kenneth, fourth Earl, followed King James II. to France after the Revolution, accompanied him to Ireland, was created Marquis of Seaforth, and died in 1710 at Paris. The other Noblemen who patronized the Work were not implicated in the Affair of 1715. Those were the

Dukes of Hamilton, Gordon, Queensberry, and Douglas; the Marquis of Tweeddale; the Earls of Aberdeen, Balcarras, Dundonald, Eglinton, Kintore, Kinnoull, Loudon, Middleton, Strathmore, Stair, Wigton, and Wemyss; Viscounts Arbuthnot, Oxenford, Primerose, and Stormonth; Lords Aberdour, Belhaven, Balmerino, Bruce, Crichton, Elphinstone, Garlies, Linton, Edward Murray, Napier, and Saltoun—the last the grandson of Archbishop Sharp of St Andrews. We have also the Duchess of Gordon, the Marchioness of Douglas, the Countess of Stair, the Dowager Viscountess of Stormonth, Lady Grizel Cochrane, and a few Jacobite ladies of inferior rank, with several Baronets, and a number of country gentlemen; Bishops Freebairn, Gadderar, and Gillan; some of the Clergy; Advocates, Writers to the Signet, Physicians, Merchants, and about twenty Booksellers. In the List is one English Nobleman—the Earl of Oxford. This was Edward second Earl, who devoted himself much to literature, and formed the valuable and celebrated Harleian Collection, purchased by Parliament from his Countess in 1754 after his decease, and deposited in the British Museum.

But although Bishop Keith presided at no more consecrations after that of Bishop Alexander, the severities inflicted by the Government on the clergy and laity of the Scottish Episcopal Church did not prevent him from pursuing his favourite researches in the ecclesiastical lore of his country. About 1752, he removed from his residence in the Canon-gate of Edinburgh to a small villa, his own property, called Bonnyhaugh, near Bonnington, in the vicinity of Leith. Bishop Russell observes—“Whether he continued to perform the duties of his chapel in Edinburgh, and to retain the office of Primus, I have no means of determining; for, short as the interval is since this distinguished person died, a cloud has already sunk down on many of those smaller events in his history, the knowledge of which could not fail to throw a light both on his character and the fortunes of the Church at a most interesting crisis.” He seems to have been fond of Archaeology, and directed his attention to the study of

ancient Scottish coins. Two original letters written by him are still preserved in Marischal College, Aberdeen. The one is addressed—"To the Right Rev. Mr Andrew Gerard, Aberdeen, and the other to Principal Blackwell of Marischal College." The letter to Bishop Gerard, is dated Edinburgh, April 7, 1750, and is as follows—"Dear Sir, Two or three weeks ago I desired our brother Mr Alexander [Bishop Alexander] to deliver the silver penny I formerly mentioned to a gentleman of your town into your hands, with orders for you to retain it in your custody till I should write you, which I hope the gentleman has honestly done. The penny, you see, is very fair and entire. The inscription on the King's side—*David Dei Gra. Rex Scotorum*; the legend on the reverse—*Dns. P.tector ms. et Lib.ator ms.*; which, you know, is for *Dominus Protector meus et Liberator meus*; and within the inner circle—*Villa Aberdon*. Now, this penny I ask the favour of you to present from me to the Library of the Marischal College, in testimony of my having been some time a student there. And I ask the same favour, Sir, with respect to this old draught of the two cities, and *Ager Aberdonen*. The author of it is well known by his other performances of this kind; and as I never chanced to see another copy of this, and it has evidently been a copy that has been sent from Holland to receive the corrections of the author, which we discern upon it, all written with his own hand, he probably has chanced to die in the meantime, and so the design has not been followed forth, otherwise, it is impossible but some copies would appear. But as none that I know of have been seen, this I hope will render it the more acceptable in the fore-mentioned repository. With my kind service to yourself and the gentlemen of Marischal College, I remain, Dear Sir, your affectionate brother and humble servant—ROBERT KEITH."

This silver penny was coined at Aberdeen in the reign of David II., the son of Robert Bruce, which extended from June 1329 to February 1370-1. Two centuries before David II.'s reign, William I., surnamed the *Lion*, established a mint in Aberdeen, near the south end of Castle Street,

Brit. 3189

Keith

23 June

HISTORY
OF THE
AFFAIRS OF CHURCH AND STATE
IN
SCOTLAND,
FROM THE BEGINNING OF THE REFORMATION
TO THE YEAR 1568.

BY THE
RIGHT REV. ROBERT KEITH,
PRIMUS OF THE SCOTTISH EPISCOPAL CHURCH.

WITH
BIOGRAPHICAL SKETCH, NOTES, AND INDEX,
BY THE EDITOR.

IN THREE VOLUMES.

VOLUME I.

EDINBURGH:
PRINTED FOR THE SPOTTISWOODE SOCIETY.
M.DCCC.XLIV.

HISTORY

PEOPLES OF CHURCH AND STATE

SCOTLAND

FROM THE HISTORY OF THE BENEDICTINES

BY THE REV. J. H. B. B.

RIGHT REV. JOHN B. B.

ALEX. LAURIE AND CO. PRINTERS TO HER MAJESTY.

THE
HISTORY OF THE AFFAIRS
OF
CHURCH AND STATE IN SCOTLAND,
FROM THE BEGINNING OF THE REFORMATION
IN THE REIGN OF KING JAMES V.

TO THE
RETREAT OF QUEEN MARY INTO ENGLAND,
ANNO 1568.

TAKEN FROM THE PUBLIC RECORDS AND OTHER AUTHENTIC VOUCHERS.

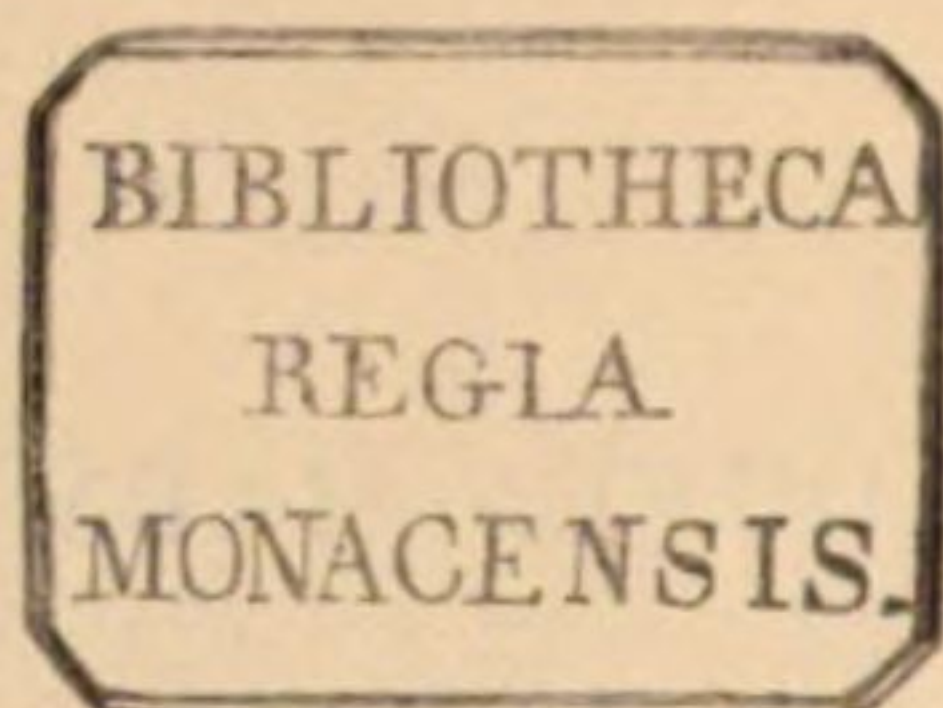
VOLUME I.

EDINBURGH:

PRINTED BY THOMAS AND WALTER RUDDIMANS, FOR
GEORGE STEWART AND ALEXANDER SYMMER,
UNDERTAKERS, AND SOLD BY THEM, AND
GAVIN HAMILTON, BOOKSELLERS.

M.DCC.XXXV.

1735



P R E F A C E.



THE great merit and value of Bishop Keith's "HISTORY OF THE AFFAIRS OF CHURCH AND STATE IN SCOTLAND" are so well known, and prominently noticed in the Biographical Sketch which follows, that any observations here are unnecessary. The Sub-Committee of the SPOTTISWOODE SOCIETY, in selecting this Work as one of the first Publications for the Members, were confident that they would secure their approbation by placing before them a standard narrative of the exciting times preceding and during the Reign of Queen Mary.

As the First Book of Bishop Keith's "HISTORY," which, with its Appendix of Documents, comprises this Volume, is chiefly introductory to his Second and Third Books, many illustrative Notes were necessary, in addition to those by the Bishop. The main design was to make the Work a comprehensive repository of those important events to which our Historian often merely alludes in his narrative. The Editor hopes that he has succeeded in his object, and that a mass of interesting information is here collected, while he has carefully avoided those details which more properly belong to Archbishop Spottiswoode's "HISTORY OF THE CHURCH AND STATE OF SCOTLAND," from A. D. 203 to A. D. 1625. For all the Notes inclosed by *brackets*, thus [], having the letter E. annexed, in the "HISTORY" and Appendix, the Editor is responsible.

The Editor has to lament the paucity of materials in his Sketch of Bishop Keith's life. This is the more to be regretted, as his family connections, the eminent position he occupied in the Church, and his talents and acquirements, brought him into intercourse with many of the most distinguished men of his time in Scotland, particularly in Edinburgh. After the Sketch was printed, the Editor was kindly presented by JAMES MAIDMENT, Esq. Advocate, with the copy of a letter to Bishop Keith, the original of which was in the possession of the late Messrs Constable and Co., the celebrated Publishers. It is from the Chevalier Ramsay, author of the "Travels of Cyrus" and other works, then Preceptor to David Lord Elcho, and his brother the Hon. James Wemyss, the sons of David third Earl of Wemyss, and the latter of whom succeeded his father as fourth Earl in 1720, his elder brother having died in 1715. The Chevalier was subsequently patronized by Archbishop Fénélon of Cambray, who procured for him the appointment of Preceptor to the Duke de Chateau-Thierry, and to the Prince de Turenne, afterwards Marshal of France. While in this situation he was selected by the exiled son of James II., to superintend the education of his sons, Charles Edward, and Henry, who was subsequently Cardinal York. As the Chevalier Ramsay was born in 1686, and Bishop Keith in 1681, he was consequently five years younger than the latter. The Bishop was at the date of the Chevalier's familiar and gossiping epistle, acting as Preceptor to his Noble "Chief," the Earl Marischal, and his brother the Hon. James Keith. The letter is dated Isleworth, a village in the parish of its name, on the Thames, in the county of Middlesex, opposite Richmond, and he thus addresses his friend :—

Isleworth, Feb. 25, 1709.

“DEAR BOBBY—I have nothing to write to thee but only this, that if we continue to aspire unto our Almighty Original, we shall still be united, however far separated in this world. Now I bide by the river Thames, amidst fields and gardens, where I have nothing to interrupt my conversation within but an hour or two attendance at night upon two of the most innocent, sweet, sprightly little boys I ever knew. All my ambition now is to live forgotten by all, doing them all the real service [which] lies in my power. I sha’n’t trouble you with scribbling; we already know one another well enough. All I shall say is, that should it be my fortune to be tossed from Greenland to Good Hope, yet after twenty years absence our souls shall be as much united as ever, and I shall embrace you at meeting with all the freedom of a Philadelphian. So live happy, and if we never meet here, may we meet after this on the road to Elysium. I am your loving

“RAMSAY.”

“If after this you chance to see Sandy Strachan, Johnny Anderson, Davidson, and the lads about Rosshearty, mind me to them; but to Mr Moor, your dear friend, in a particular manner.—R.”

The above letter was addressed—“*Mr Robert Keith, Governor to the Right Hon. my Lord Keith,*” who says—“This last was Mr Alexander Moor, Episcopal minister at Fraserburgh, the best of men I ever saw. Johnny Anderson left the legacy in the West Indies. I had contracted acquaintance with Mr Ramsay at Edinburgh the preceding winter.” The two “most innocent, sweet, sprightly little boys” described by the Chevalier, were the sons of the Earl of Wemyss already mentioned.

In the Catalogue of MSS. belonging to the Faculty of Advocates at Edinburgh is the entry of a donation to the Library by Bishop Keith. It is entitled—“Register of Assignations 1574,” and is described—

“ This Register of Assignations of Ministers’ Stipends, or Book of the Platt for one year, was presented to the Library by Bishop Keith in 1746. It is a large folio of paper, well written, but frequently deformed by deletions or interlineations, and it is not quite complete. At the beginning is a list of the ‘ prycles of the victualls’ in the respective districts of Scotland.”

By the kindness of the Right Rev. DR RUSSELL, BISHOP OF GLASGOW, the Editor is enabled to add a few particulars respecting Bishop Keith’s family and descendants, which the reader is requested to consider as supplying the deficiency mentioned in the Sketch of his Life (p. lvii). The Bishop married a lady named Stewart, by whom he had only one child, a daughter, named Clementina Stewartina, who married Mr Carmichael, of Leith. The offspring of this marriage was also a daughter, who became the first wife of Mr Douglas, merchant in Leith. Several children were the issue of this marriage, one of whom, Stewart Douglas, Esq. also merchant in Leith, was the father of the Rev. Archibald Douglas, who was curate to the Venerable Dr Bayley, Archdeacon of Stow in the Diocese of Lincoln, at the date of that gentleman’s death in August 1844, and who is the great-great-grandson of Bishop Keith.

Several letters of the Bishop are still preserved, but they relate to no affairs of the slightest importance. Bishop Keith’s private copy of his “ HISTORY,” with his own annotations, corrections, and additions, is said to have been acquired by Sir Walter Scott, Bart., and to be in the Library of Abbotsford.

J. P. L.

BIOGRAPHICAL SKETCH

OF THE

RIGHT REVEREND BISHOP KEITH.



HE excellent and distinguished author of the “History of the Affairs of Church and State in Scotland” was born on the 7th of February 1681 at Uras, or Uris, a small estate in the parish of Dunnottar, and county of Kincardine, near the steep and precipitous cliffs on the coast known as the *Fowls'-heugh*, frequented by myriads of sea-birds. He was the son of Alexander Keith and Marjory Arbuthnot, a daughter of Robert Arbuthnot of Little Fiddes, and he mentions his eldest brother Alexander, who married in 1680, and three sisters. Bishop Keith also states that he was named Robert in compliment to the second Viscount Arbuthnot, who succeeded his father the first Viscount in 1655, and died in 1682, and whom the Bishop designates “a kind friend to my father.” That Nobleman first married Lady Elizabeth Keith, second daughter of William seventh Earl Marischal, which explains the connection between those two Noble Families. Bishop Keith’s father, who died in January 1683, was lineally descended from Alexander the fourth and youngest son of William the third Earl Marischal, who in 1513 obtained from that nobleman the lands of Pittendrum in Aberdeenshire on the resignation of his brother Gilbert, the Earl Marischal’s third son, when he succeeded to the estate of Troup. The Honourable Alexander Keith of Pittendrum was succeeded by his son John, who married Barbara Keith, his cousin, by whom he had one son named William, who was the father of Alexander and William Keith. From the former was descended Bishop Keith’s

father, and the Bishop and his nephews were thus the nearest lineal representatives of the noble Family of the Earls Marischal attained in 1716 in the person of George tenth Earl, for his connection with the Enterprize of 1715. The Bishop seems to have been duly impressed with a love of his family importance and connections. In his "Vindication" subsequently noticed, he produced a copy of the marriage-contract between his grandfather and grandmother; and, after noticing that the latter was a daughter of Gavin Douglas of Easter Barras, he adds—"This Gavin Douglas was a son of that Laird of Glenbervie who became Earl of Angus about the year 1588, and by this marriage, Mr Robert Keith and his nephew have the honour to be related to the Dukes of Douglas and Hamilton, and to all the branches of these most honourable families since that marriage." Alluding to his mother's kindred, he says that by her marriage he and his nephew are "related to all the Arbuthnots and Burnets in the shire of Mearns." This pride of ancestry was long intense in Scotland, and it is not desirable that it should ever be destroyed.

In the early part of the seventeenth century Keith of Pittendrum became proprietor of the estate of Over and Nether Cawton in the parish of Fetteresso, adjoining Dunnottar, but the Bishop's father sold it in 1672, and purchased the property of Uras already mentioned. The Bishop thus explains the alienation or change of the family patrimony:—"This hasty denudation did not proceed from a squandering temper in my father, but from his having enlisted himself a volunteer in that expedition under King Charles II., which ended in the unfortunate battle of Worcester, whilst a mere stripling only of about eighteen years of age; and although he had the good fortune to escape out of prison by the means and contrivance of two English ladies, yet the difficulties he was exposed to, and the incumbrances which naturally came upon his small estate during the long continuance of the rebellion, stuck severely to him all his days after, and do stick to his offspring to this day."¹

¹ In the "Ratification" by the Scottish Parliament in 1685 "in favour

Bishop Keith's descent from the Marischal Family induced him to enter into a controversy, subsequently noticed, with Alexander Keith, Esquire, of Ravelston, near Edinburgh, who purchased in 1766 the castle and lands of Dunnottar from George the last Earl Marischal, the friend and favourite of Frederick the Great of Prussia. This dispute was connected with the pretensions to relationship with the Earls Marischal, set forth by the Keiths of Ravelston, which can now be proved to be utterly fallacious. In support of the claim of his nephews Alexander and Robert Keith of Uras, the sons of his eldest brother, to the honour of a lineal descent from that Noble Family in opposition to the assumptions of Keith of Ravelston, the Bishop prepared a short narrative of the facts, which he entitled—"Vindication of Mr Robert Keith, and of his young grand-nephew Alexander Keith, from the unfriendly representation of Mr Alexander Keith, junior, of Ravelston."¹ It is now ascertained that the statements of the Bishop were unanswerable. His brother's sons already mentioned both died unmarried, the one named Robert in 1780, when Captain of a company in the third regiment of Foot Guards, with the rank of Colonel in the Army, having studied the military profession in Prussia under Field-Marshal Keith and the Earl Marischal. That nobleman died unmarried in 1778, and the Bishop's nephew or grand-nephew became the undoubted lineal representative in the male line of the Earls Marischal of Scotland.

Having lost his father when only two years of age, Bishop Keith was removed by his mother to Aberdeen, and received his education at Marischal College, founded by his collateral relative George fifth Earl Marischal in 1593. His mother's income was very limited, but by her industry and exertions she was enabled to defray her son's expences at the

of Alexander Irvine of Drum of the lands and barony of Drum," is mentioned "ane yearly annual rent of ten merks Scots money to be uplifted furth of the lands of Cawtoun and Uris, lying within the sheriffdom of Kincardine." *Acta Parl. Scot.* vol. viii. p. 553.

¹ This pamphlet which was printed for private use, and as a mere family memorial, is inserted at the end of this Biographical Sketch, with a note kindly communicated to the Editor by John Riddell, Esquire, Advocate.

University. He speaks of her prudence and affection in the most grateful language, and in allusion to her unceasing assiduity on his account he says—"For these and many obligations I owe her memory, I do pay her much acknowledgment."—"She died," he says, "at Aberdeen on Saturday the 6th of December 1707, about the 69th year of her age, after she had the comfort of seeing me preceptor or tutor to my young chief, the Lord Keith, from the month of July 1703, with whom and his brother I continued full seven years till July 1710."

The "young chief" here noticed as then Lord Keith, and his brother, were George tenth Earl Marischal already mentioned, born in 1693, who succeeded his father the ninth Earl in 1712, and the celebrated Field-Marshal Keith, born in 1696, one of Frederick the Great's distinguished heroes. As respects the latter, however, we are told—"Of his scanty education under the excellent Bishop Keith the Marshal tells us nothing."¹ From his intimacy and subsequent correspondence with the Field-Marshal and the Earl he appears to have been held by those two personages in great estimation, and they ever treated him as a near relative of their family. After Bishop Keith retired from the situation of preceptor to his "young chief" and the future Field-Marshal, he was admitted into deacon's orders by the Right Reverend George Hallyburton, the deprived Lord Bishop of Aberdeen, on the 16th of August 1710, and on the 26th of May 1713 the same venerable Prelate ordained him a presbyter. This was probably among the last ecclesiastical acts of Bishop Hallyburton, who died at his mansion of Denhead near Cupar-Angus in September 1715, in the seventy-seventh year of his age. Mr Skinner says of Bishop Hallyburton, that he had become "so weak in his intellectuals, beyond what his more aged brother of Dunblane [Bishop Douglas] was, that though he was still able to perform the office of ordination for such vacancies in his Dio-

¹ Preface to "A Fragment of a Memoir of Field-Marshal James Keith, written by Himself, 1714 to 1734," Edinburgh, 4to, 1844, printed for the SPALDING CLUB.

cese as applied to him, it was not judged convenient, as it was not necessary, to employ him in any business of importance that required a certain degree of secrecy and caution.”¹

Soon after his ordination Bishop Keith became domestic chaplain to Charles twelfth Earl of Erroll and his mother the Countess, who was Lady Anne Drummond, only daughter of James third Earl of Perth. The Earl of Erroll, who succeeded his father in 1704, is described when Lord Hay as “one of the hopefulest young gentlemen in the kingdom, and an enemy to Presbytery, not twenty-five years old.”² He was a zealous opponent of the Union, voting against it on every division, and entering a strong protest on the 7th of January 1707; and in the following year he was considered so disaffected during the alarm of an invasion that, though he was then in ill health, he was sent a prisoner to the Castle of Edinburgh. In June 1712 we find Bishop Keith attending the Earl to the baths of Aix-la-Chapelle, and in journeying through Holland he became acquainted at Amsterdam with the celebrated Peter Poiret, famous for his mystical and speculative writings, who attacked Des Cartes, Locke, and Spinoza, and published both an apology for Madame Bourignon, and a complete edition of her works in twenty-one volumes. Leaving the Earl of Erroll at Aix-la-Chapelle, Bishop Keith returned to Scotland through Maestricht, Antwerp, Ghent, Bruges, Ostend, Neuport, and Dunkirk. At this last place he sailed direct for England, but the vessel was compelled to put into Calais. After encountering a severe storm Bishop Keith landed at Dover on the 1st of November 1712. He remained there three months, labouring under indisposition occasioned by the wet and cold to which he had been exposed during the storm, and set out for Edinburgh on the 2d of February 1713.

About this period Bishop Keith left the Noble Family of Erroll. Probably his services were no longer required, for though it was very common at that period for the Scottish

¹ Skinner's Ecclesiastical History of Scotland, vol. ii, p. 607.

² Mackay's Memoirs, p. 247.

Episcopal Nobility and gentry to retain a resident chaplain in their families, the Earl died unmarried in 1717, and the title devolved on his sister Lady Mary, who became Countess of Erroll in her own right. The Bishop was invited to become the pastor of one of the numerous small Episcopal congregations which then existed in Edinburgh. He retained this pastoral charge during his life.

Bishop Keith soon established his reputation as an able scholar, historian, and antiquary, and as such was much esteemed by the Established Presbyterians, as well as by the members of the Scottish Episcopal Church. He lived on terms of intimate friendship with Dr Rose, the deprived Lord Bishop of Edinburgh, the last survivor of the Bishops ejected at the Revolution, and thus affectionately mentions him—"He was a sweet-natured man and of venerable aspect. I was one of his presbyters in the city of Edinburgh from Pentecost anno 1713."

The state of the Scottish Episcopal Church at the commencement of Bishop Keith's ministry, and indeed during his life, was very peculiar. Bishop Hallyburton, formerly of Aberdeen, Bishop Douglas, formerly of Dunblane, and Bishop Rose of Edinburgh, were the only survivors of the Prelates ejected at the Revolution. In 1705 they had strengthened the Episcopate for the preservation of the Succession by the consecration of Bishops Fullarton and Sage, and in 1709 by the consecration of Bishops Falconer and Christie, the latter the friend of Bishop Sage, who unfortunately for the cause of the suffering Church died at Edinburgh in 1711, lamented by his friends and feared by his adversaries. In 1707 the Union of the two kingdoms of Scotland and England was accomplished notwithstanding the tumultuous opposition of the Scottish people. That Union gave a security to the new Presbyterian Establishment which it never previously possessed, but it afforded no toleration to the Episcopal clergy, though the Government offered no molestation. The very proposal of a legal toleration to the Episcopal clergy would have excited the fiercest opposition of the Presbyterian ministers to the Union itself. Their General Assembly had

opposed it in a remarkable document, published by De Foe, which is little creditable to their prudence, sagacity, and discernment, and it would have required no great exercise of their angry passions to agitate an already irritated and riotous populace. While the Union was in dependence, an order was issued by the Government to shut up all the Episcopal churches in Scotland; but this was soon revoked, and the clergy were for a short time unnoticed by their political opponents. Immediately after the Union the Liturgy of the Church of England was adopted as the ritual for Divine Service in the Scottish Episcopal Church, and the universal use of a Liturgy since that period has been attended with the most beneficial results. It is only to be regretted that a Liturgy was not used by the Church during its establishment from the Restoration to the Revolution. The introduction of the English Liturgy into the congregations of the Scottish Episcopal Church excited the alarm of the Established Presbyterians. It was denounced in their General Assembly, who peremptorily insisted that the Government should interfere. Many of the clergy in Edinburgh were prosecuted, and some of them were imprisoned in the common jail. But the annoyances and persecutions which the Episcopal clergy and laity suffered from the Government at the instigation of the Presbyterian Establishment became at length so grievous, that the Government, on the 3d of March 1712, passed the well known Toleration Act in favour of the Scottish Episcopal Church, and the Bishops, clergy, and laity, obtained that relief from the British Parliament which was refused by the Scottish Parliament before the Union. Soon after Queen Anne's accession, the Earl of Strathmore had proposed in the latter Parliament that a "toleration" should be granted to all whom he called "Protestants," with the evident design of obtaining relief to the Episcopal Church of which he was a member, but the General Assembly remonstrated against it in such a violent manner that it was deemed prudent to abandon it for a time. In 1712, however, as already stated, the Toleration Act was passed in defiance of their clamour,

and though it has been superseded by later enactments, it was then a great and essential boon to the Church.

These observations are here laid before the reader not because Bishop Keith was particularly concerned in those affairs, but to shew the state and condition of the Scottish Episcopal Church when he became the pastor of one of its congregations. Although many of the clergy, holding the political principles they did, could not conscientiously enjoy the full benefit of the Toleration Act, it protected them all from State prosecutions. The Government permitted them, as long as they were peaceable, to hold their own opinions; the Liturgy was no longer the object of Presbyterian fulmination; and, on the whole, it may be said that the Scottish Episcopal Church was prosperous during the remainder of the reign of Queen Anne.

But this peaceful state of affairs was of no long continuance. The death of Queen Anne in 1714, the accession of George I., which was followed by a change of the Ministry, and a proclamation to enforce the laws against all reputedly disaffected persons, grievously disappointed the ardent hopes of the adherents of the Stuart Dynasty, and among them the great body of the Scottish Episcopalians. It is well known that the Bishops and Clergy were all in favour of the exiled Prince designated the Chevalier St George, for attachment to whose Family and cause the Church had so severely suffered. The precautionary measures which the new Government considered necessary to be adopted were the causes of very general disgust, and in 1715 the ill-fated Enterprize under the Earl of Mar was attempted. Many of the influential laity were concerned in that Affair, and some of the clergy openly accompanied the Adventurers in their marches as chaplains. The suppression of the insurrection was followed by several forfeitures, attainders, and executions, and the proceedings of the Government against the Episcopal clergy were rigorous, though under the circumstances they can scarcely be called severe. On the 12th of May, King George addressed a letter, countersigned by Mr Secretary

Stanhope, to the Lords of Justiciary in Scotland, stating that his Majesty was informed that several "meeting-houses" were in Edinburgh and other places, in which Divine Service was performed without praying for him as the reigning Sovereign and the Royal Family by name. Their Lordships were enjoined to shut up all such "meeting-houses," as the Episcopal churches were designated, and to prosecute offenders in time to come. The Judges, however, reported to Secretary Stanhope that though they would willingly proceed against such offenders, they could not close their "meeting-houses"—such a summary procedure not being legal—"till after trial and conviction by the due course of law." Nevertheless the Crown lawyers were enjoined by their Lordships to prepare indictments against all Episcopal clergymen guilty of this alleged offence. The Rev. Daniel Taylor and twenty-four clergy in Edinburgh, the Rev. Arthur Millar, presbyter in Leith, the Rev. Robert Colt, and the Rev. James Hunter, both of Musselburgh, were tried before the High Court of Justiciary for preaching to Episcopal congregations without Letters of Orders from a "Protestant" Bishop, according to the statute of the 10th of Queen Anne, and for not praying for King George by name. The usual legal defences were prepared, which were overruled, and most of the accused, to save trouble to the Court, confessed both charges. With the exception of one, who produced Letters of Orders from an "exauctorated" Scottish Bishop, they were all prohibited from officiating until they exhibited their Letters of Orders in terms of Queen Anne's Act, and twenty-five of them were fined L.20 sterling each, one half to the informer, and the other half to the poor of the parish; but as no informer appeared, Sir David Dalrymple, Bart., then Lord Advocate, the grandfather of the celebrated Scottish Judge and antiquarian Lord Hailes, applied to the Court about six months afterwards for warrant of L.10 against each of them, to be paid to himself as *common informer*! The defenders, however, soon produced Letters of Orders, which were registered in terms of the Act. "It appears," says Arnot in his remarks on this trial, "that the shutting up of the meeting-

houses was by no means rigorously enforced, for I find several of those very clergymen within a few months again convicted for the same offence. Indeed, the Criminal Records for some years after this are in a manner engrossed with prosecutions against Episcopal Nonjurors.”¹

Bishop Keith left no account of the troubles and molestations he encountered at this period, but it may be safely inferred that he would have his due share in common with his brethren. Another Act was passed by the United Parliament in April 1719, rendering every Episcopal clergyman liable to imprisonment for six months, during which period his “meeting-house” was to be shut, if he performed Divine Service without having taken the oaths enjoined by the Toleration Act of Queen Anne; and every dwelling in which nine or more persons assembled, exclusive of the family, for Divine Service, was declared to be a “meeting-house” within the meaning of the Act. This was a severe law, and as little doubt can be entertained of the intention as of the Presbyterian quarter in which it originated. Several prosecutions followed, but the Act does not appear to have been rigidly observed.

Bishop Rose, the last survivor of the Bishops deprived at the Revolution, died in the 74th year of his age, on the 20th of March 1720, at his sister’s residence in the Canongate of Edinburgh, beloved and lamented by all who knew him. He was interred within the little church of Restalrig,² about a mile east of Holyrood Palace. His funeral was attended by Bishop Keith, then one of his presbyters, and many of the clergy. It may be here noticed that the cemetery partly

¹ Collection of Criminal Trials in Scotland, 4to, p. 343-346.

² This small and plain edifice, which was founded by James III. for a Dean and Prebendaries, eight of whom constituted its establishment at the Reformation, was then roofless. The Presbyterian General Assembly had ordered it to be dilapidated some years after the Reformation, because it was, in their opinion, a “*monument of idolatry*.” A different view of the matter was taken in 1837 by their Presbyterian successors, when the church was repaired, and opened as a preaching station for the accommodation of the neighbourhood in that part of the parish of South Leith, of which it was originally the parish church.

surrounding the church was the selected burying-place of many members of the Scottish Episcopal Church during the eighteenth century. The adjoining property and decayed village were then possessed by the Lords Balmerino, and were forfeited by the attainder of Arthur sixth Lord, beheaded on Tower Hill in 1746, for his connection with the Enterprize of 1745. That Nobleman was one of the sons of John fourth Lord Balmerino by his second wife, Anne, daughter of Archbishop Ross of St Andrews, deprived at the Revolution, and who had a family tomb at Restalrig. It may be noticed that the widow of the last Lord Balmerino, who was the daughter of Captain Chalmers, continued to reside in the village till her death in 1765.

Immediately after the interment of Bishop Rose those ecclesiastical disputes originated which agitated the Scottish Episcopal Church for some years, causing factious consecrations, and for a time in reality a rival Succession. In these discussions Bishop Keith, though still a presbyter, sustained a prominent part; and, as Bishop Russell observes, he is "found taking an active share in all the measures that were proposed either for restoring purity of worship, or for propping the pillars of that ecclesiastical system in the divine institution of which he appears to have cordially believed, and for the maintenance of which he spared no labour and grudged no sacrifice." In such estimation was our Historian held by his brethren, that "nothing of consequence indeed appears to have been done without his advice or concurrence, even before he was raised to the Episcopate."¹

The nature of these discussions will be best understood by a brief reference to the facts. One related to the proper mode of administering the ecclesiastical government of the Church, and the other great sources of discord were what are known as the "Usages."

During the life of Bishop Rose and his deprived Brethren,

¹ Sketch of the Life of Bishop Keith, in his "Historical Catalogue of the Scottish Bishops down to the year 1688," edited by the Right Rev. Michael Russell, LL.D. and D.C.L., Bishop of Glasgow. Edinburgh, 8vo. 1824, p. 24, 25.

the presbyters elevated to the Episcopate were consecrated solely for the purpose of preserving the Succession. It was expressly stipulated at the consecration of Bishops Sage and Fullarton, that they were to exercise no diocesan jurisdiction while the deprived Bishops were alive. This seems to have been in some degree the procedure of the Bishops of England, commonly called *Nonjurors*, who refrained from nominating those whom they consecrated to any of the regular Sees of which they had been themselves deprived after the Revolution, and made their own ecclesiastical arrangements. The authority of Dr Rose, who, as Bishop of Edinburgh, was the Vicar-General of the Archbishop of St Andrews during the legal establishment of the Church, was acknowledged by the clergy in that Diocese after the death of the Primate Ross in 1704 ; but as the hope of the restoration of the Stuart Dynasty was fondly cherished by those commonly called the Jacobite party, many of whom were Roman Catholics, and not a few were Presbyterians, the Bishop of Edinburgh was probably unwilling to interfere in his peculiar circumstances. The death of Bishop Rose changed this aspect of affairs. After that event the only persons in Scotland invested with the Episcopate were Bishops Fullarton, Falconer, Millar, and Irvine,¹ of whom the two latter were consecrated at Edinburgh on the 22d of October 1718 by Bishop Rose, assisted by Bishops Fullarton and Falconer. But two other presbyters had been previously consecrated, one in Scotland, and the other in England. The former was the Hon. and Rev. Archibald Campbell,² who was raised to the Episcopate,

¹ The Rev. Arthur Millar, formerly minister of Inveresk, in which parish is the town of Musselburgh, six miles from Edinburgh, and the Rev. William Irvine, formerly minister of Kirkmichael in Dumfriesshire. Bishop Millar is previously noticed as having been prosecuted before the High Court of Justiciary, with a number of other presbyters in Edinburgh and the neighbourhood, for refusing to pray for George I. and the reigning Family by name. It appears from the indictment that he was then presbyter at Leith.

² The second son of Lord Neil Campbell by his second wife, Lady Vere Kerr, third daughter of William third Earl of Lothian, and grandson of Archibald eighth Earl, created Marquis of Argyll, who was beheaded at the Cross of Edinburgh for high treason in May 1661.

on the 25th of August 1711, by Bishop Rose of Edinburgh, Bishop Douglas of Dunblane, and Bishop Falconer, after the death of Bishop Sage. The latter was the Rev. James Gadderar, minister of Kilmaurs in Ayrshire previous to 1688, who was consecrated at London in 1712 by Bishops Campbell, Falconer, and Hickes, the last named better known as the learned Dean of Worcester. The elevation of Bishop Gadderar to the Episcopate was done not only with the consent but at the express desire of Bishop Rose of Edinburgh; yet both he and Bishop Campbell resided chiefly in London till 1724.

The Presbyters of Edinburgh, among whom was our Historian, met after the funeral of Bishop Rose to deliberate on the peculiar circumstances of the Church. On this occasion one of them proposed that they should acknowledge Bishops Fullarton, Falconer, Millar, and Irvine, as the Episcopal College to whom canonical obedience was due. In this suggestion evident injustice was done to Bishops Campbell and Gadderar, who, though then resident in London, had an equal right to be considered members of that College, yet they were not even mentioned. The project, in reality, was, that instead of Diocesan jurisdiction, the proper and primitive mode, the Scottish Episcopal Church should be governed by a College of Bishops in common, much in the same manner as the Presbyterians conduct their affairs on a more extensive scale in their Presbyteries, Synods, and General Assemblies. This extraordinary proposal found supporters, and as all the influence of the Chevalier St George and his agents in Scotland was soon exerted in its favour, it divided the Church into two parties, the one zealous for the *College Scheme*, and the other as decided in support of *Diocesan Superintendence*, headed by Bishops Fullarton, Campbell, and Gadderar. The two latter were bitterly disliked by the agents, or "Trustees," of the Chevalier, who soon saw that by supporting the College Party they could always exercise influence at will over the Bishops and clergy, and could at any time make the former subservient, by increasing the number of consecrations indefinitely at the recommendation of the

Chevalier, whose adherents affected still to consider him as "King." This they actually did, and four presbyters were invested with the Episcopate under the sanction of the exiled Prince, whereas Diocesan jurisdiction struck at the root of such influence ; for, by observing the division of the kingdom into dioceses, or districts, as in the time of the establishment of the Church, order would be preserved, unnecessary consecrations prevented, and proper discipline maintained among the clergy.¹

The other causes of discord, known as the "*Usages*," were intimately connected with the *College Scheme*, or rather may be said to have engendered all the acrimony which divided the Scottish Episcopal Church into two hostile parties for upwards of twelve years. At the death of Bishop Hicke in December 1715, the controversy arose, or with more propriety was revived, chiefly among the English Nonjurors, on certain "*Usages*," four in number :—1. Mixing water with the wine in the holy Eucharist ; 2. Commemorating the faithful departed in the Communion Office ; 3. Consecrating the elements by an express invocation ; 4. Using the oblationary prayer before administering as in the Scottish Office. A party of the ejected or Nonjuring clergy in England zealously contended for those "*Usages*" as ancient and scriptural, and as having been observed at the commencement of the "Reformation," and they alleged they were at liberty to adopt the said "*Usages*," because they were no longer connected with the Church as by law established. After the death of Bishop Hicke, the chief supporters of the "*Usages*," were the learned Bishop Collier and Dr Brett ; but they were ably opposed by Bishop Spincks, formerly one of the Prebendaries of Salisbury, and others, who contended for the Communion Office as it is in the Book of Common Prayer. It was at length agreed on both sides to refer the controversy solely to the decision of the Scottish Bishops, as they were in the same ecclesiastical position as their Non-

¹ See a full and minute account of these disputes in the Editor's "History of the Scottish Episcopal Church from the Revolution to the Present Time." Edinburgh, 8vo. 1843, p. 222-262.

juring brethren in England. A clergyman named Peck was sent by the English Usagers to Scotland in 1718, and he applied to Bishops Rose and Falconer for a synodal declaration, which they refused; but Dr Rattray of Craighall was requested by the two Bishops to submit proposals of accommodation to reconcile their differences—a duty which he discharged to the great and recorded satisfaction of the venerable Lord Bishop of Edinburgh. It was not, however, till after the death of Bishop Rose that the controversy about the “*Usages*” was agitated in the Scottish Episcopal Church. Bishop Falconer advocated them, and also Bishops Campbell and Gadderar, who were the intimate friends of Bishops Hicke and Collier, and who from conviction declared for their adoption. Bishops Fullarton and Millar were neutral, Bishop Irvine, who became acquainted in London with Bishop Spincks, openly and determinedly opposed them, and he rashly engaged to induce the Scottish presbyters to resist them. After he returned to Scotland he was anxious to secure the opposition of Bishop Rose, but though he failed in this attempt, his influence and arguments with many of the presbyters laid the foundation of much of the polemical acrimony which ensued.

It will thus be seen that two questions agitated the Scottish Bishops and Presbyters at that period—the government of the Church either by Diocesans or by a College of Bishops, and the observance of the “*Usages*.” Those subjects have been long set at rest, and it is unnecessary to trace the controversy farther. As it respects the College Party, who were the opponents of the “*Usages*,” they were decidedly under the influence of those laity who were in active correspondence with the Chevalier. On his nomination, to strengthen themselves against the Diocesan Party, at the head of whom were Bishops Campbell and Gadderar, Bishops Fullarton, Millar, and Irvine, consecrated the Rev. Andrew Cant and the Rev. David Freebairn in 1722, and the Rev. Alexander Duncan and the Rev. Robert Norrie in 1724.

During the agitation of those now obsolete controversies, the Rev. Dr Thomas Rattray, the proprietor of the fine

estate of Craighall in Perthshire, the representative of an ancient family, and the intimate friend of Bishop Gadderar, was consecrated at Edinburgh on the 4th of June 1727 by that Prelate, assisted by Bishops Millar and Cant. Dr Rattray had been elected by the presbyters in the ancient Diocese of Dunkeld, who since the death of Bishop Falconer had been deprived of Episcopal superintendence. The Diocesan Bishops resolved to adhere to the practice of the Primitive Church, and, regardless of the influence of the Chevalier and his " Trustees," increased their number to preserve the Succession, in opposition to the College Party. Bishop Keith was consecrated at Edinburgh as coadjutor to the then aged Bishop Millar, along with Bishop Dunbar for Moray, on the 18th of the same month, by Bishops Millar, Rattray, and Gadderar, the determined opponents of the College Party. This consecration was caused by the death of Bishop Fullarton in the beginning of May. Lockhart of Carnwath, one of the Chevalier's active adherents and " Trustees," notices this elevation to the Episcopate with bitter hostility.—" The factious Bishops—(this may appear an harsh epithet, but when I reflect how little respect they shewed to the *King* [the Chevalier], and their contempt of the authority of the College of Bishops, I do not know one more proper wherewithal to distinguish them from the other Prelates who were henceforth called the College Bishops)—these Bishops, I say, to strengthen their party, proceeded to consecrate one Mr Dunbar, a disciple of Gadderar in the North, and Mr Keith, a Presbyter of Edinburgh; but whether these promotions were one or both at or about this time, or not for some time afterwards when Millar died, I do not exactly know, I being then abroad;¹ and the chronology of this circumstance is of no moment, seeing, be it sooner or later, they did not think themselves bound to ask after the *King's* approbation. The independence of the Church was now in all

¹ Bishops Dunbar and Keith were consecrated at Edinburgh on the same day. The former had been minister of Cruden before the Revolution, and suffered severely by that event. He was elected by the Presbyters of the Diocese of Moray to be their Bishop.

their mouths, and indeed they shewed no regard for any powers civil or ecclesiastic, but in so far as they were on their side of the question. This was highly displeasing to a great many, nay, the far greater part of the laity, many of whom told plainly that as they had ventured their lives for the *King*, they could not countenance a set of men who advanced maxims and pursued measures tending directly to lop off several branches of the royal prerogative; and so offended were the managers of the most considerable meeting-house in Edinburgh, that they dismissed Bishop Cant and Mr Patrick Middleton from being pastors thereof. The first deserved some pity, in regard he was a person highly valuable on account of his integrity, learning, and zeal, and that the part he acted was only to be ascribed to the decay of his judgment, and being easily imposed upon in his advanced age; but as the other was a factious arrogant creature, and guilty of many irregular indecent actions, he richly merited the disgrace he met with. The College of Bishops judged it now proper to proceed to the consecration of Gillan, and it were much to be wished they had stopped there, and not at the same time promoted another Presbyter of Edinburgh, Mr Ranken; for as one of their objections against Rattray and others was that it was done without the *King's* knowledge, it was a firm foundation to stand on; but this step of theirs did take it quite off, though for their own justification they offered that it was done by the particular express direction of Mr Graham and Mr Hay, two of the *King's Trustees*, who, believing it for the service of the Church, advised the measure, and the opposite set alleged the authority and approbation of Lord Panmure, another of the *Trustees*, and that the service of the Church required also what they had done, which, like many texts in the Scripture, is often produced to justify contradictions and serve bye views.”¹

¹ Lockhart Papers, containing Memoirs and Commentaries upon the Affairs of Scotland from 1702 to 1715, by George Lockhart, Esq. of Carnwath, his Secret Correspondence with the Son of King James II. from 1718 to 1728, &c., published from Original Manuscripts in the possession

The "*Trustees*" here mentioned were a number of Jacobite Noblemen and gentlemen who superintended the affairs of the "*King*," as they called the Chevalier in Scotland, and regularly corresponded with the exiled son of James II. The statements of Lockhart of Carnwath, however, must be received with caution, particularly such accusations as those against the Rev. Patrick Middleton, one of the Presbyters of Edinburgh, who, instead of being "guilty of many irregular indecent actions," was in reality a most excellent, pious, and worthy man. The great offence he committed was his resistance to the servile notions of the more violent of the Jacobite party, who were completely warped by the principles of passive obedience. The Chevalier was duly informed of all the proceedings of the Scottish Bishops and clergy by his "*Trustees*," and his concurrence or recommendation to the Episcopate was long considered necessary. His policy in attempting to preserve his controul over the Scottish Episcopal Church was obvious, for by maintaining this connection he could always command the influence of a numerous body of clergy whom persecution had attached more strongly to his interest, and who, like the English Nonjurors and the Roman Catholic Jacobites, seriously indulged the vain though not then improbable hope of the restoration of the exiled Dynasty. When we consider the times and the peculiar circumstances of the Church, it is not easy to understand what could be the objects of those Presbyters who longed so earnestly for the Episcopate; and nothing short of a positive belief that the Stuart Family would recover the Throne could have induced them to solicit the unfortunate Chevalier for the only influence he had in his power to exercise. His zealous partizans of the College Party were opposed to Diocesan government from political motives. They wanted the Chevalier to nominate the Bishops as if he had been the reigning Sovereign, instead of the clergy of each Diocese electing their own Bishops and intimating their choice to the Primus. The additional clamour against the

of Anthony Aufrere, Esq. of Hiveton, Norfolk. London, 4to. 1817, vol. ii. p. 333, 334.

“*Usages*” that they were “*Popish*,” was altogether unfounded, and the “*Trustees*” never intended it to be serious. That dispute, however, had been adjusted ; but Bishop Gadderar of Aberdeen still asserted the privilege, in the peculiar circumstances of the Church, of the Presbyters to elect their own Bishops, without any dependence either on the Chevalier, though he was called the “*King*,” or on a College of Bishops. The latter, he zealously argued, was altogether a novelty, unknown, and never practised, in any period of the history of the Catholic Church ; and as to the Chevalier, though his *rights* were undoubted, it was plain that he could not exercise any acts of regal power, because he was not the sovereign *de facto*, and the Church had ceased to be the National Establishment. If the exiled Family were restored, and the Church established by law as before the Revolution, it was clear that the sovereign should exercise his prerogative ; but even then he could only issue his *cong   d’elire* when a Diocese became vacant, and he could not multiply the consecrations as he pleased, which was evidently the principle on which the College was designed to be constituted.

The consecration of Mr Gillan by the College Bishops excited much opposition, as he was known to be devoted to that interest. He had been nominated the successor of Bishop Fullarton as Primus by the Chevalier, and twenty of the Presbyters of Edinburgh signed a remonstrance against him ; but Lockhart of Carnwath states that “ some of them afterwards deleted their names, or signed a recantation.” Among those connected with this document was Bishop Keith. “ The signers of this paper,” says our cavalier politician, “ were the set I formerly described. To these were added a parcel of hot-headed young men, and a few of some character, particularly Mr Robert Keith, who secretly grudged that Gillan, though a person of good age, that is above sixty, yet but lately admitted into holy orders, should step over them his seniors.—Whilst this affair was thus tossed about, I had a conference with Mr Keith, one that had the best character of any that concurred in these measures, and, having been once well acquainted with him, I took the liberty

to tell him I was much surprised to find his name at a paper so seditious, false, and unmannerly ;—that it contained what was plain treason, in the sense of the laws in force before the abolishing of Episcopacy, and he must either abandon his pretended principles or stand guilty of treason *in foro conscientiae* ;—that the starting such questions and disputes was very unseasonable, as it could not fail to divide the party, and at the same time give the *King* and all mankind a strange impression of an order of men who pretended to suffer for their loyalty, and yet acted a part so diametrically opposite thereto, and withal so ungenerous, as was the prosecuting at this juncture measures that none would dare own, were the *King* on the throne ;—that they injured the *King* much in saying he had broke his promise, or that Gillan was only recommended by me, for that Gillan was recommended by so many, both clergy and laity, as justified my making the proposal, and his *Majesty* approving and giving directions in it ;—and supposing, as they averred, that I alone had recommended him, if they had no personal objection to him I had the vanity to think I deserved better usage from the Episcopal clergy, whose interest I had never forsaken. I concluded with earnest entreaty that he [Keith] would use his interest to preserve peace and unity, and not fly so unreasonably in the *King's* face, and I added that whereas I knew they were jealous of a design to promote Gillan to the See of Edinburgh, as I knew the *King's* sentiments in the disposal of that vacancy when it should happen, I could assure him that his *Majesty* would by no means think of advancing him or any man, but with the previous advice and approbation of the College and the Presbyters of that Diocese ; and he should have what farther security he could reasonably demand on that article ; and consequently it would be altogether owing to themselves if it did not go as they had a mind. He [Keith] answered, that it was certain the State had made great encroachments on the Church, and he would not say but there were some inconveniences in attempting to recover them at this juncture ; yet they could not in conscience sit altogether silent, and he had authority

to make two propositions for peace sake, either that the whole affair should be referred to the Lord Dun¹ and Mr James Graham, or that another of unquestionable character, whom his [Keith's] friends would name, should be consecrated along with Gillan. I replied with indignation that the *King* was not quite reduced so low as to make a reference or composition with a parcel of little factious priests in the Diocese of Edinburgh, who, as they were serving the Covenanted cause, should change their black gowns into brown cloaks, and I did not doubt they would be received into the godly party, unless ecclesiastic had the same fate with state traitors, in being despised by those they served."²

Bishop Norrie, of the College Party, died in March 1727, and Bishop Millar of the Diocesan Party, who was Primus and Bishop of Edinburgh, in October that year. After the death of the latter the Presbyters met to elect a successor, and on this occasion they were joined by those of their brethren who had refused to co-operate with the majority who elected Bishop Millar. They had the boldness to bring with them two of their Bishops, who, contrary to their usual practice on such occasions, and without considering the dignity of their own Order, actually claimed a right to sit and vote with the Presbyters of Edinburgh. It is not known whether this was an effort in favour of the College scheme, or whether they were desirous that one of those Bishops should be elected; but the Diocesan Party were anxious that Bishop Keith, who had acted as coadjutor to Bishop Millar, should be chosen his successor. Both, however, were disappointed, for the choice of the Presbyters fell upon the Rev. Andrew Lumsdaine, formerly minister of Duddingstone near

¹ This appears to have been the Hon. Francis Stuart, who succeeded his brother as sixth Earl of Moray in 1735, and died in 1739. He was one of those summoned to surrender on suspicion of disaffection during the Enterprize of 1715. Lockhart simply writes *Lord Dun*, but his phraseology and mode of spelling are peculiar. It is possible, however, that this Lord Dun may have been David Erskine of Dun, who was a Judge in the Court of Session by the title of Lord Dun, from 1710 to 1753. He was an opponent of the Union.

² Lockhart Papers, vol. ii. p. 325-329.

Edinburgh, their Archdeacon under Bishop Fullarton, and he was consecrated at Edinburgh on the 2d of November by Bishops Cant, Rattray, and Keith. But the old dissensions still pervaded the Church. "The Episcopal clergy," writes Lockhart of Carnwath to the Chevalier, dated 22d January 1728, "are broke and split into parties and discord; one set, headed by Lord Panmure and Mr Carnegie, seem to have renounced all dependence on both civil and ecclesiastical superiors [the Chevalier and the College of Bishops], so that to all outward appearance they are in a bad situation, especially since thereby the unity which has hitherto prevailed among both clergy and laity of that Communion, your friends, is broken and evanished."¹

This state of affairs continued till 1731, when the College Party, and even their Bishops, perceiving that they were unable to resist the progress of their opponents, announced their willingness to enter into terms of agreement for the future peace of the Church. Conferences were held between Bishop Keith, as representing the Diocesans, and Bishop Gillan, on behalf of the College adherents, the junior Bishops of each party. Towards the end of December a document, known as the "*Concordate*," was ordered to be prepared, and it was subscribed by all the Bishops on the 13th of May 1732. This final arrangement, which is generally understood to have been effected by the prudence and moderation of Bishop Keith, completely extinguished the extraordinary project of governing the Church by a College of Bishops nominated solely by the Chevalier and his "Trustees," and restored internal quiet among the clergy and laity. The contents of this important document are given by Mr Skinner, entitled, "Articles of Agreement among the Bishops of the Church of Scotland," and indicate the sentiments of the Bishops and Clergy at the time.—"I. That we shall only make use of the Scottish² or English Liturgy in the public Divine Service,

¹ Lockhart Papers, vol. ii. p. 392.

² This apparently refers to the Scottish Liturgy of 1637 in Charles I.'s Reign, but it may also mean the Scottish Communion Office, peculiarly so called. There never was any other Scottish Liturgy, in the collective or

nor shall we disturb the peace of the Church by introducing into the public worship any of the ancient Usages, concerning which there has lately been a difference among us, and that we shall censure any of our clergy who shall act otherwise. II. That hereafter no man shall be consecrated a Bishop of this Church without the consent and approbation of the majority of the other Bishops. III. That upon the demise or removal elsewhere of a Bishop of any district, the Presbyters shall neither elect, nor entrust to another Bishop, without a mandate from the Primus, by consent of the other Bishops. IV. That the Bishops of this Church shall, by a majority of voices, choose their Primus for convocating and

complete sense, containing the Order for Morning and Evening Prayer, and all the Offices of the Church, except that of 1637. It is of importance, however, to know that, though the extensive use of the English Liturgy in the ordinary Service of the Church in Scotland has been, and still is, attended with beneficial effects as a bond of unity with the mother Church of England, that very Liturgy was not without its opponents in Scotland. They objected to it, not as a *Liturgy*, but because they considered some of the Offices enjoined in it defective. The following extract from a letter written by Bishop Gadderar of Aberdeen, dated Arbuthnott, April 20, 1723, to the "Right Reverend John [Fullarton], Bishop of Edinburgh, PRIMUS, and to the Right Reverend Bishops Arthur Millar, William Irvine, Andrew Cant, and David Freebairn," explains the above statement. It is a letter of remonstrance to the Bishops on sundry important points, and is a very lengthy document. "What you say of an Established Liturgy," says Bishop Gadderar to his Right Reverend Brethren, "wants to be explained. I am sure that cannot be the *present English Liturgy*, which never has been, nor ever will be received, *as it is*, by a lawful Convocation of this Church; neither do I believe it would be approved by the Convocation even of that Church [of England], without considerable additions and alterations, were the clergy there [in England] at as much liberty as we are. Our own has a good deal of authority—that of the then Bishops who composed it, and of the Royal Martyr [Charles I.]; but it wanted that of a Convocation, and of an Act of Parliament, which made it miscarry then." Bishop Gadderar evidently wished that instead of the English Liturgy, the Scottish Liturgy of 1637, which is the Liturgy of Charles I., arranged by sundry Scottish Bishops, and ignorantly designated Archbishop Laud's Liturgy, should have been introduced and publicly recognized. The writer of this Sketch is indebted to James Steuart, Esq. W.S. Edinburgh, a descendant of the celebrated Ruddiman who printed Bishop Keith's "History of the Affairs of Church and State in Scotland," for a perusal of Bishop Gadderar's letter, which is an original in excellent preservation.

presiding only, and that no Bishop shall claim jurisdiction without the bounds of his own district. V. We, the Bishops of the Church of Scotland, have chosen and appointed Bishop Freebairn to be our Primus, for convoking and presiding only, according to the foregoing Article." The sixth Article refers to the ecclesiastical arrangements. The Diocese of Edinburgh was allotted to Bishop Lumsdaine, and Caithness, Orkney, and The Isles, were placed under the superintendence of Bishop Keith; but though the boundaries of the ancient Dioceses as recognized before the Reformation and Revolution were for the most part preserved, it was modestly added—" *By the foresaid division of districts we do not pretend to claim any legal right to Dioceses.*" This document was signed by Bishops Freebairn, Ochterlonie, Rattray, Gillan, and Keith, and subsequently by all the others.

Such was the "*Concordate*" of the Scottish Bishops which adjusted the controversy, and "from this time," observes Mr Skinner, "the College system fell to pieces every day, and the Primitive Diocesan Episcopacy revived, though not to the former extent, yet as far as the circumstances of the Church required or allowed." The whole proceedings were most satisfactory even to those who made the greatest sacrifices of their opinions and inclinations. Bishop Rattray, in a letter to Bishop Keith, quotes the language of Bishop Gillan, who trusted that "it would not, through God's grace, be in the power of men or of devils to disturb that happy union with which He has been pleased to bless us.¹" The contest, during its continuance, excited considerable interest among the opponents of the Church; but it is a singular coincidence that the Presbyterian Establishment began to be agitated by its own peculiar schisms, discords, and dissensions, at the very time when the controversy—for the dispute was never of a more serious aspect—was concluded by the "*Concordate*." The seeds of dissent from the Established Presbyterian system were sown throughout Scotland, and soon grew up in rank luxuriance, the chief alleged grievance being

¹ Bishop Russell's edition of Keith's Catalogue of the Scottish Bishops, p. 29.

the exercise of lay patronage in presentations to parishes, which, it was contended, interfered with the asserted right of the people to elect their own ministers. In 1733 originated the Dissenting body known as the *Secession*, who were followed by another party who called themselves the *Relief Synod*. Other departures from the pale of the Established Presbyterianism ensued, all of which may now be regarded as so many harbingers of the grand "Disruption" attempted in 1843; and the consequence is that Scotland, considering its extent and population, abounds more with sects and parties of all kinds than any country in Europe.

Bishop Keith, at his consecration in 1727, was entrusted with the superintendence of the clergy in the ancient Dioceses of Caithness, Orkney, and The Isles, which then contained a number of Presbyters and small scattered congregations. We have seen that this arrangement was confirmed by the "Concordate" of 1732; but as he continued to reside in Edinburgh as the pastor of a congregation, little is known as to the manner in which he discharged the duties of the Episcopate in those distant and secluded districts, at a period when the roads were wretched, travelling accommodation difficult to be obtained, and local intercourse extremely limited. "There are extant, no doubt," according to Bishop Russell, "several records which shew that he was from time to time employed in providing his remote Diocese with competent clergymen, as well as with other means of Christian knowledge and Divine grace; but there remains, notwithstanding, no small degree of obscurity both in regard to the precise manner in which he executed his Episcopal functions, and also as to the extent of the period during which he continued Bishop of Caithness and The Isles." As respects the Diocese of Orkney, which includes the Shetland Isles, the Episcopal clergy were very few in number. The Rev. Mr Hunter, whose daughter married the Rev. John Skinner of Longside, the distinguished poet and theologian, was the last Episcopal clergyman who discharged the pastoral functions in the Shetland Isles, and he was under the superintendence of Bishop Keith.

At the signing of the Concordate in 1732 nine Diocesan

Bishops formed the Scottish Episcopal Synod, of whom Bishop Freebairn was *Primus inter Pares*, or Presiding Bishop. At the death of Bishop Lumsdaine of Edinburgh in 1733, Bishop Freebairn was elected by the Presbyters of that Diocese as their Ordinary. Bishops Duncan and Rose also died in 1733; but the greatest loss which the Church sustained was the death of the respected Bishop Gadderar of Aberdeen in February of that year. Bishop Dunbar, to whom had been assigned the ancient Dioceses of Moray and Ross, was chosen the successor of Bishop Gadderar, by the Presbyters of Aberdeen in June following. He accepted their nomination, and the Presbyters of Moray elected the Rev. George Hay to be their Ordinary, but he died before his consecration, and the district continued vacant till 1741. In 1733 Bishop Keith was elected Diocesan of Fife, all of which county lies within the Archbishopric of St Andrews; but as the Scottish Bishops did not consider it expedient to retain the ancient title of the Primacy after the Revolution, it has since merged into the common designation of the Diocese of Fife. Bishop Keith, nevertheless, still performed Episcopal offices for the Diocese of Caithness, Orkney, and The Isles. An original letter exists from some gentlemen in the remote seaport town of Stornoway, in the Lewis division of the Hebridean Long Island, dated July 22, 1738, addressed to Bishop Keith, thanking him "most kindly for his care of them in sending among them the Rev. Mr John Williamson of Skye." Two original deeds also certify the ordination of Mr James Winchester as Deacon and Presbyter, which was performed by Bishop Keith for Orkney, in 1749 and 1751—" *juxta morem Ecclesiæ Scoticanæ*." Another original letter from Mr James Taylor at Thurso to Mr Robert Forbes [of Leith], afterwards Bishop Forbes, dated the 12th of July 1757, expresses surprise that "any could call in question Bishop Keith being acknowledged Bishop of Caithness and Orkney."¹ It is, however, certain that Bishop Keith was

¹ MSS. in the Episcopal Chest at Aberdeen, cited by Bishop Russell in his edition of Bishop Keith's Catalogue of the Scottish Bishops, p. 29, 30.

transferred to the Diocesan superintendence of Fife in 1733, which he retained till he resigned it, on the 23d of August 1743.

In 1734, Bishop Keith published at Edinburgh, the first and only volume which ever appeared of his valuable "History of the Affairs of Church and State in Scotland, from the beginning of the Reformation in the Reign of King James V. to the Retreat of Queen Mary into England anno 1568: taken from the Public Records and other Authentic Vouchers." As the merits of the work are noticed elsewhere, a few facts only connected with it are here stated. It appeared in folio, and was printed by the celebrated scholars Thomas and Walter Ruddiman, for George Stewart and Alexander Symmer, who are described as "*Undertakers*," and "sold by them and Gavin Hamilton, Bookseller." It was published by subscription, and was dedicated to Lady Jane Douglas—the only daughter of James second Marquis, and sister of Archibald third Marquis, created Duke of Douglas in 1703. The marriage of this lady in 1746, when in the forty-eighth year of her age, to Colonel afterwards Sir John Stewart, Bart. of Grandtully, originated the celebrated *Douglas Cause*. We have seen that Bishop Keith by his grandmother, who was a daughter of Gavin Douglas of Easter Barras, claimed relationship to "the Dukes of Douglas and Hamilton, and to all the branches of these most honourable Families." The "List of Subscribers" is remarkably curious, comprising the Library of the Faculty of Advocates at Edinburgh, the Society of Writers there, the Society of Writers at Stirling, the Scottish College at Paris, and 350 individuals, many of whom were persons of the first rank in the kingdom. The List has been designated a kind of "*muster roll*" of the principal Jacobite Nobility and Gentry of Scotland at the time; but this, as is subsequently noticed, is incorrect, and an examination of it proves that many of them were staunch supporters of the House of Hanover, such as the celebrated Duncan Forbes of Culloden, afterwards Lord President of the Court of Session; Sir William Nairn of Dunsinnan; Hew Dalrymple of Drummore, a Judge in the Supreme Court by

the title of Lord Drummore; Sir James Dalrymple of Hailes, Bart.; Erskine of Dun, Sir Gilbert Elliot of Minto, and Sir Alexander Ogilvie of Forglen—three gentlemen who were also Judges; and several of the Nobility who had no connection with the Enterprizes of 1715 and 1745. Among the names occurs that of the famous Rob Roy, who is designated “Robert Macgregor *alias* Rob Roy,” and who figures after his relative Macgregor of Glengyle. It would be interesting to ascertain what induced Rob Roy to appear in the character of an encourager of literature; but it is not likely that he ever read the work, as he died during the year after its publication, and his well known avocations had no connection with historical researches. Another name is that of the “Rev. Mr Robert Blair,” who is considered to be the well known author of “The Grave,” and who was the Established Presbyterian minister of the parish of Athelstaneford in Haddingtonshire.

Bishop Keith’s “History of the Affairs of Church and State in Scotland” was the chief source whence Principal Robertson derived the first portions of his “History of Scotland during the Reigns of Mary and James VI.,” published in February 1759, two years after the Bishop’s death. The Bishop’s Work is also valuable, for the large collection of documents it contains, illustrative of his narrative, and is a lasting memorial of his industry, learning, and acquirements. “Such a book,” says the Nonjuring Bishop Smith, his correspondent and antagonist, “will stand the test of ages, and always be valued, because no fact is related but upon the best authority.” It is a matter of deep regret that Bishop Keith did not live, or probably was unable by the infirmities of age, to complete the “History” he projected, which would have extended to at least another folio volume. At his death he left a few sheets of his second volume, but these, with others of his manuscripts, appear to be irrecoverably lost.

On the 14th of June 1735 we find Bishop Keith assisting, with Bishops Rattray and Dunbar, at the consecration of the Rev. Robert White, Presbyterian at Cupar-Fife, who had

been elected Diocesan of Dunblane on the 18th of March, after the death of Bishop Gillan, which occurred in January. This consecration was held at Carsebank near Forfar, in direct opposition to the wish of Bishop Freebairn the Primus, who had issued his mandate for it to be performed in Edinburgh. Mr Skinner assigns a reason for this disregard to the order of the Primus. "This gentleman [Bishop Freebairn] still retained a tincture of the old political leaven [allowing the Chevalier to nominate the Bishops], and attachment to established forms; and having by means of his son, who was in great favour abroad [with the Chevalier], got hold of some papers he was fond of, he called a meeting of the Bishops in 1734; but they, suspecting the design, and not choosing to be longer entangled with any thing of that nature, declined the meeting, and would not so much as look at his papers." Shortly afterwards Bishop Gillan died, and Mr White was duly elected his successor by the Presbyters. Bishops Rattray, Dunbar, and Keith, requested Bishop Freebairn to appoint the day for the consecration of Mr White; but his conduct dissatisfied them, and they proceeded with the solemn office at Carsebank. "This" says Mr Skinner, "produced a warm remonstrance from Bishop Freebairn, which was properly answered from the other side, and some other little differences ensued at the instigation of Bishop Ochterlonie, who sought still to keep up division, but they were not of long duration, for Freebairn died in 1739, and Ochterlonie in 1742." After the death of the former, no Bishop of Edinburgh was elected till 1776, and the reasons assigned for this long vacancy are as contradictory as they are doubtful, for, from the signing of the Concordate in 1732 to the suppression of the Enterprize of 1745-6, the Scottish Episcopal Church enjoyed internal peace and considerable temporal prosperity. "During that period," says Bishop Russell, "her clergy were numerous, and many of them learned, whilst her chapels were frequented by all orders of the people from the highest peer to the lowest peasant, even judges and magistrates joining in her worship. Although the King was not prayed for *by name*, and al-

though by far the greater number of the clergy were attached to the exiled Prince, political opinions respecting the rights of the Sovereign were at no period, at least after the extinction of the College Party, made terms of communion."¹ The old doctrine of *indefeasible hereditary right* was disclaimed by some of the clergy, but the *Oath of Abjuration* was the great obstacle; and without taking it and the *Oath of Allegiance*, the mention of the reigning Sovereign *by name* in the Liturgy would have been of no advantage. Several magistrates were fully aware of this, but seldom enforced the penal section of the Act of Queen Anne.

On the 4th of October 1742, we find Bishops Rattray, Keith, and White, consecrating the Rev. James Rait, Presbyter in Dundee, as successor to Bishop Ochterlonie in the Diocese of Brechin, vacant by his death. Bishop Rattray of Craighall, who had succeeded Bishop Freebairn as Primus in 1739, died in 1743. His successor as Primus of the Church was Bishop Keith, who at the same time resigned the Diocesan superintendence of Fife, which was transferred to Bishop White. The Rev. John Alexander, Presbyter at Alloa, was elected by the Presbyters of Dunkeld in the room of Bishop Rattray, and he was consecrated at Edinburgh on the 9th of August 1743 by Bishops Keith, Falconer, White, and Rait.

After the consecration of Bishop Alexander, the assembled Bishops met, and on the motion of Bishop Dunbar they constituted themselves an Episcopal Synod, Bishop Keith presiding as Primus, and Bishop Alexander acting as clerk. Certain Canons, prepared by Bishop Rattray as suitable to the peculiar circumstances of the Church, were taken into consideration, and ratified, with the addition of six others, amounting in all to sixteen. These Canons embodied all the articles of the Concordate, regulating the election and official duties of the Primus, and the mode of electing Bishops to vacant Dioceses by the Presbyters. The fourth Canon declares, that upon the demise or translation of any Bishop, the Presbyters of the vacant district should neither elect, nor

¹ Scottish Episcopal Magazine, 1821, vol. ii. p. 207.

entrust themselves to another Bishop, without a mandate from the Primus and the majority of the Bishops; but if the Primus refused to grant such a mandate, the latter could issue it without his assent. The fifth Canon required the person elected to be sanctioned by a majority of the Bishops, who were entitled to reject him on sufficient grounds, which obliged the Presbyters to proceed to another election.

When all the Canons were promulgated by Bishop Keith and the other members of the Episcopal Synod to the clergy, some of the latter in Edinburgh, who cherished the intention of electing one of their own number to be their Diocesan, who, they were well aware, would not be acceptable to the Bishops, objected to the Canon which regulated the mode of choosing the Bishops as infringing upon the rights of the Presbyters. They also complained that some of the other Canons curtailed the powers of their Ordinary as Bishop of Edinburgh. A series of remonstrances from those Presbyters ensued, which were connected with a project for bringing Bishop George Smith, one of the English Nonjurors, into Scotland, in opposition to the warnings of the Scottish Bishops.¹ On the 24th of May 1744, Bishop Keith addressed a long letter of remonstrance to Bishop Smith, the purport of which will be understood by the following passage:—"I am sorry to find you forming a resolution to set forward an illicit consecration in this country, and thereby to raise a most horrid schism in this free and independent Church, for no cause whatsoever that any indifferent persons even in your own country will be able, I dare presume, to discern. I can assure you there is neither any alteration intended here in the public worship, nor is there any complaint in all this kingdom upon that score, except perhaps by the seditious of Edinburgh, who under that sculk, are fond to palliate their old rancour, envy, and hatred of us Bishops." Bishop Keith refers in the conclusion of his letter

¹ Those remonstrances were first printed in "The History of the Scottish Episcopal Church from the Revolution to the Present Time," Edinburgh, 1843, p. 269-286, by the writer of this Sketch. They are derived from a MS. volume, entitled "Disputes of the Episcopalians," preserved in the Library of the Faculty of Advocates at Edinburgh.

to his declaration of the 7th of April, a letter from Bishop Dunbar to him dated 28th of April, and a letter from Bishop Alexander to him dated 14th May. Bishop Smith's conduct elicited a strong declaration dated July 12, 1744, which was signed by Bishop Keith as Primus and the other Bishops; and his unwarrantable interference in the internal affairs of the Church in Scotland induced Bishop Alexander and eleven Presbyters to issue a severe document condemning all his proceedings, dated at Alloa on the 22d of October. The Presbyters of Edinburgh sent a "Third Address to the Bishops of Scotland" on the 22d of December. On the 17th of August the Rev. James Mackenzie, who, as "Preses" of the Presbyters, had transmitted to Bishop Keith ten queries on the relative connection of Bishops and Presbyters, very unpolitely thus expressed himself:—"I take the freedom to send you the enclosed queries, and I hope you will not treat them as you did my letter about the exemption Canon, by smuggling anonymous remarks among your particular admirers, without addressing for me a copy of them, but that you will vouchsafe to send me a direct, proper, and subscribed answer." The reply which Bishop Keith returned to Mr Mackenzie's queries and his angry epistle is not preserved, but the "Third Address" of the Presbyters of Edinburgh to the Bishops elicited a long letter from him to them on the 25th of January 1745. Some of them replied on the 7th of February in a document of considerable length, which throws very little light on the dispute, being chiefly an elaborate defence of Bishop Smith from the charge of "usurpation and encroachment" in the affairs of the Church. It is addressed to Bishop Keith, and is entitled "Reasons for not subscribing the condemnation of Bishop Smith of England, in answer to a paper of said Bishop Keith urging that subscription." In this letter they acknowledge the one by the Bishops dated the 25th, which, they allege, was not, and could not be, communicated to them till the 28th.

As it respects Bishop Keith's conduct in this dispute, and his collisions with the Presbyters of Edinburgh, the following statement is probably an explanation:—"It is a trite

observation," says Bishop Russell, "that the man who most conscientiously does his duty, is not always rewarded with the first burst of popular applause, and we find accordingly that Bishop Keith was by no means beloved by the Presbyters of Edinburgh, among whom he had been so many years resident. He was seldom asked by any of them to perform in their congregations the offices peculiar to his Order, and if we were to judge from a variety of addresses, remonstrances, and replies, which are still on record, we should say, that his intercourse with the inferior clergy was almost entirely confined to disputes about the limits of episcopal jurisdiction and the privileges of the priesthood. The Presbyters of Edinburgh, who, at the period in question, used to elect a Moderator, and assume considerable powers as a regular and standing *Presbytery*, were extremely jealous of any higher authority in the Church; while the Bishops, on the other hand, regulating their proceedings by a regard to abstract principle and ancient usage, rather than by a due consideration of the circumstances in which late events had placed their Communion, and still less by views of expediency, appear on several occasions to have aimed at the possession of a degree of power which would have inevitably sunk the second order of ministers into absolute insignificance. The enactment of Canons in 1743, as laws regulating the practice and defining the obedience of the whole Church, without desiring the advice or concurrence of any of the Presbyters, was a stretch of prerogative which could not prove agreeable to the latter description of clergy; and although the Bishops might have no difficulty in proving that they had not on this occasion exceeded the limits of the authority inherent in their order, and which had been frequently exercised by the rulers of the Church in the purest times of Christianity, they would yet have attained their object more effectually by conceding a little to the spirit of the age and the wishes of their brethren. The share which Bishop Keith had in this rather unseemly controversy will serve as an excuse for the mention which has been made of it in this place. His local situation as being resident in the metropolis, his official

station as Primus, and, above all, his personal influence as a man of business as well as of letters, will account for the prominent part he acted as the representative and advocate of the Episcopal Synod."

While those discussions were occupying the attention of Bishop Keith, he was not regardless of his favourite ecclesiastical and historical researches. This appears by the following extract from the "Bishops' Record," lately in the possession of the Right Rev. James Walker, D.D., Bishop of Edinburgh and *Primus*, who died in 1842 sincerely regretted by the Church:—"At Edinburgh, Tuesday, August 23, 1743.—After the [Diocesan] Synod was constituted by prayer, Bishop Keith having presented a List of the MSS. relating to this Church, which were delivered by the late Bishop Rose of Edinburgh his lady¹ to the late Bishop Fullarton of Edinburgh, for which this last named Bishop gave receipt to Bishop Rose's lady, dated September 1720; therefore, charge was given to Bishop Keith to inquire after, and, if possible, to recover the said MSS. out of the hands of the heirs, &c. of the late Bishop Fullarton, and to report his diligence to the next Synod."²

¹ This must refer to the sister of Bishop Rose, as that venerable Prelate was never married.

² The List of the MSS. reported by Bishop Keith to this Diocesan Synod will be interesting to the reader, and it is annoying to state that most of those valuable MSS. are now probably lost, or are irrecoverable. Bishop Keith's List was as follows—

- " 1. A BOOK OF THE SYNODS OF EDINBURGH.
2. SOME TRANSACTIONS OF THE COLLEGE OF BISHOPS.
3. PRESBYTERY BOOK OF THE MEARNES [KINCARDINESHIRE].
4. REGISTER BOOK OF THE BISHOPS, *Five Volumes*.
5. PRESBYTERY BOOK OF FORFAR.
6. PRESBYTERY BOOK OF ABERBROTHWICK.
7. REGISTER OF THE PROVINCIAL ASSEMBLY OF FIFE, *Five Volumes*.
8. SESSION-BOOK OF [THE PARISH OF] INNERKIP [IN RENFREWSHIRE],
Two Volumes.
9. REGISTER OF BAPTISMS AT INNERKIP, FROM 1665 TO 1680.
10. PROVINCIAL BOOK OF ARGYLL.
11. PRESBYTERY BOOK OF DUNFERMLINE.
12. PROVINCIAL ASSEMBLY BOOK OF GLASGOW AND AYR, *Two Volumes*.
13. RENTAL OF THE BISHOPRIC OF EDINBURGH."

It is asserted that Bishop Keith published, about 1743 or 1744, some "Select Pieces of Thomas a' Kempis," translated into English. In the Preface to the second volume he is alleged to have introduced several addresses to the Virgin Mary, for which he was required to give an explanation by his brethren. As the present writer has failed to obtain any information regarding this performance, he cannot offer an opinion to the reader. It is mentioned in a letter written by Bishop Rait.¹

After the suppression of the Enterprize of 1745, the Scottish Episcopal Church encountered a most severe persecution from the Government. Incarceration for six months was enacted against those clergy who neglected to register their Letters of Orders, and refused to pray for King George and the reigning Family by name, and transportation to the Plantations in America for life was to be the punishment for a repetition of any subsequent "offence" of that nature. It is to be observed, that the only Letters of Orders, the validity of which was even admitted to any extent, were those granted by an English or Irish Bishop. The intention was to destroy the Episcopal Succession of the Scottish Church. Pecuniary encouragement was given to informers, and a congregation was defined to consist of "five persons or more," who "shall be met together to hear Divine Service, over and besides those of the household" or family. Political disabilities were inflicted on the laity, of whatever rank and profession, who resorted to any such Episcopal "meeting-house." It cannot be denied that the object of the Act of 1746, was to annihilate the Scottish Episcopal Church. This is indeed almost avowed in the clause affecting the Peers of Scotland, in which Presbyterianism is designated the "present happy Establishment;" and one reason assigned for involving the Scottish Episcopal Nobility and gentry in this persecution and proscription, by which they were denied the exercise of their civil rights, is that "they should be restrained from hurting that Establishment,

¹ See also the SCOTS MAGAZINE, vol. xix. p. 54.

to which they shew *such disaffection*." The sole *offence* or *crime*, as it was considered by the Government, was the omission of the name of King George II. in the Liturgy by about two hundred clergymen, who had not the power, especially after the suppression of Prince Charles Edward's Enterprize, to injure the Government in the slightest degree, whatever were their political predilections. But if the great object of this Act was to annihilate the Church by destroying the Episcopal Succession, its framers were disappointed. In the beginning of 1746 Bishop Dunbar of Aberdeen died, and the passing of the Act, and its penal consequences, did not deter the remaining Bishops from their duty. The Presbyters of Aberdeen elected the Rev. Andrew Gerard to be their Diocesan, and he was consecrated on the 17th of July 1747 by Bishops Falconer, White, Rait, and Alexander.

Bishop Keith, though the Primus, is not mentioned as present at this consecration, and indeed he never assisted at any such solemnity after the consecration of Bishop Alexander in 1743. The peculiar circumstances in which he was placed after the memorable events of 1745 and 1746, or what privations and annoyances he endured, are not stated ; but he was then advancing into the vale of years, and probably his own personal character, in addition to the influence of his numerous friends of high rank, protected him from much inconvenience. It is previously stated that very few of the subscribers to his "*History*" were connected with the Enterprize of 1715. The more conspicuous of them in his printed List were the Earl of Carnwath, the Viscount of Kenmure, Cameron of Lochiell, Macdonell of Glengarry, and a gentleman who is styled the Master of Nairn. The first was Sir Robert Dalzell of Glenae, who succeeded as sixth Earl of Carnwath in 1703, and who was attainted for joining the Enterprize of 1715. He was condemned to be executed as a traitor, and his estate was forfeited ; but he was pardoned, and he died at Kirk-michael in 1737, three years after Bishop Keith published his *History*. As the Jacobites did not consider the attainder legal, they always spoke of him and his son as the *Earls of Carnwath*. His nephew, the Viscount of Kenmure, was in

a similar position. He was the eldest son of William sixth Viscount of Kenmure by the only sister of the Earl of Carnwath. The Viscount was attainted, forfeited, and beheaded on Tower Hill, in February 1716, for the Enterprize of 1715. The Master of Nairn appears to have been the eldest son of the Hon. John Nairn, the eldest son of Lord William Murray, fourth son of John first Marquis of Atholl, who succeeded the first Lord in 1683. Both father and son were taken prisoners at Preston in November 1715, were attainted and forfeited in 1716, and the former sentenced to be beheaded; but he was respited, and afterwards pardoned. The Earl of Panmure also appears on Bishop Keith's list of subscribers. This must have been the Hon. Harry Maule of Kelly, otherwise Auchterlony, in the parish of Arbirlot, near Arbroath. He was the youngest son of George second Earl, and brother of the third and fourth Earls, the latter of whom he rescued when taken prisoner at the battle of Sheriffmuir in 1715. The Hon. Harry Maule, who died at Edinburgh in 1734, is described as a gentleman "spending much of his time in the study of the laws, history, and antiquities of his country." Another name appears on the list, which is thus printed—"Right Hon. the Earl M——l." This was George Keith tenth Earl Marischal, to whom Bishop Keith was preceptor, and who was attainted and forfeited for engaging in the Enterprize of 1715, though he was always designated the Lord Marischal. He was the intimate friend of Frederick III. of Prussia. His brother, the Hon. James Keith, the celebrated Field-Marshal Keith in the Prussian Service, appears also as a subscriber to the Bishop's "History." In the List is the name of the "Right Hon. the *Marquis* of Seaforth." The Nobleman so designated was William fifth Earl of Seaforth, who was attainted and his estates forfeited for the Enterprize of 1715. His father Kenneth, fourth Earl, followed King James II. to France after the Revolution, accompanied him to Ireland, was created Marquis of Seaforth, and died in 1710 at Paris. The other Noblemen who patronized the Work were not implicated in the Affair of 1715. Those were the

Dukes of Hamilton, Gordon, Queensberry, and Douglas ; the Marquis of Tweeddale ; the Earls of Aberdeen, Balcarras, Dundonald, Eglinton, Kintore, Kinnoull, Loudon, Middleton, Strathmore, Stair, Wigton, and Wemyss ; Viscounts Arbuthnot, Oxenford, Primerose, and Stormonth ; Lords Aberdour, Belhaven, Balmerino, Bruce, Crichton, Elphinstone, Garlies, Linton, Edward Murray, Napier, and Saltoun—the last the grandson of Archbishop Sharp of St Andrews. We have also the Duchess of Gordon, the Marchioness of Douglas, the Countess of Stair, the Dowager Viscountess of Stormonth, Lady Grizel Cochrane, and a few Jacobite ladies of inferior rank, with several Baronets, and a number of country gentlemen ; Bishops Freebairn, Gadderar, and Gillan ; some of the Clergy ; Advocates, Writers to the Signet, Physicians, Merchants, and about twenty Booksellers. In the List is one English Nobleman—the Earl of Oxford. This was Edward second Earl, who devoted himself much to literature, and formed the valuable and celebrated Harleian Collection, purchased by Parliament from his Countess in 1754 after his decease, and deposited in the British Museum.

But although Bishop Keith presided at no more consecrations after that of Bishop Alexander, the severities inflicted by the Government on the clergy and laity of the Scottish Episcopal Church did not prevent him from pursuing his favourite researches in the ecclesiastical lore of his country. About 1752, he removed from his residence in the Canon-gate of Edinburgh to a small villa, his own property, called Bonnyhaugh, near Bonnington, in the vicinity of Leith. Bishop Russell observes—“Whether he continued to perform the duties of his chapel in Edinburgh, and to retain the office of Primus, I have no means of determining ; for, short as the interval is since this distinguished person died, a cloud has already sunk down on many of those smaller events in his history, the knowledge of which could not fail to throw a light both on his character and the fortunes of the Church at a most interesting crisis.” He seems to have been fond of Archaeology, and directed his attention to the study of

ancient Scottish coins. Two original letters written by him are still preserved in Marischal College, Aberdeen. The one is addressed—"To the Right Rev. Mr Andrew Gerard, Aberdeen, and the other to Principal Blackwell of Marischal College." The letter to Bishop Gerard, is dated Edinburgh, April 7, 1750, and is as follows—"Dear Sir, Two or three weeks ago I desired our brother Mr Alexander [Bishop Alexander] to deliver the silver penny I formerly mentioned to a gentleman of your town into your hands, with orders for you to retain it in your custody till I should write you, which I hope the gentleman has honestly done. The penny, you see, is very fair and entire. The inscription on the King's side—*David Dei Gra. Rex Scotorum*; the legend on the reverse—*Dns. P.tector ms. et Lib.ator ms.*; which, you know, is for *Dominus Protector meus et Liberator meus*; and within the inner circle—*Villa Aberdon*. Now, this penny I ask the favour of you to present from me to the Library of the Marischal College, in testimony of my having been some time a student there. And I ask the same favour, Sir, with respect to this old draught of the two cities, and *Ager Aberdonen*. The author of it is well known by his other performances of this kind; and as I never chanced to see another copy of this, and it has evidently been a copy that has been sent from Holland to receive the corrections of the author, which we discern upon it, all written with his own hand, he probably has chanced to die in the meantime, and so the design has not been followed forth, otherwise, it is impossible but some copies would appear. But as none that I know of have been seen, this I hope will render it the more acceptable in the fore-mentioned repository. With my kind service to yourself and the gentlemen of Marischal College, I remain, Dear Sir, your affectionate brother and humble servant—ROBERT KEITH."

This silver penny was coined at Aberdeen in the reign of David II., the son of Robert Bruce, which extended from June 1329 to February 1370-1. Two centuries before David II.'s reign, William I., surnamed the *Lion*, established a mint in Aberdeen, near the south end of Castle Street,

where a street is still called the *Exchequer*. This and other buildings erected in William's reign were subsequently destroyed or dilapidated by the English; but David II. re-established the mint in the same part of the town at which William built his Exchequer. The money coined at Aberdeen in his reign consisted of silver groat pieces, many of which are preserved, having the inscription, as in Bishop Keith's letter—DAVID : DEI : GRA : REX : SCOTORUM, with a rude crown on the head of the King and a sceptre in his hand. Bishop Keith's letter to Principal Blackwell on the subject is dated Edinburgh, 28th November 1752, and is as follows:—"Sir, I received your letter of the 18th, containing thanks from yourself, and the Society you represent, for the silver coins, &c. deposited in your Marischal College by me and two of my brethren. As several of these coins are already become, through length of time, exceeding rare, and seldom to be seen at all, and the rest will come to be so in a proportionable run of time, we thought it was doing some service to our native country to deposit those few in our *Alma Mater*, for the satisfaction of curious persons after we shall be dead and gone, and we are pleased enough that your Society has put a mark of esteem on them, as to take all possible precaution to preserving them from being lost or dissipated. How coarsely soever our Scottish coins appear to have been wrought, yet I think I can assure you that, by inspecting those of the neighbouring nations at the different periods, our own are not much inferior. I return you, Sir, my personal thanks for your polite letter, and for having been pleased to impart to me the alteration you have already made in the fabric of the College, which I remember very well how it formerly stood; and the alteration you are intending to make in the future education of your students. I thank you also for a letter you gave me above a year and a-half ago, to which I was diverted from giving a return at the time by some incidents; and beg you will be so good as to receive this excuse now from, Sir, your most humble and obliged servant—ROBERT KEITH."

In 1755, when in his seventy-fourth year, Bishop Keith

published his very laborious and valuable Work, which appeared in a quarto form, entitled—"A Large New Catalogue of the Bishops of the several Sees within the Kingdom of Scotland down to the year 1688, instructed by Proper and Authentic Vouchers, together with some other Things necessary to the better knowledge of the Ecclesiastical State of this Kingdom in Former Times ; as also, A Brief Preface concerning the first planting of Christianity in Scotland, and the State of that Church in the Earlier Ages." This elaborate Work, which must have cost the Bishop many years of research, was printed by Thomas and Walter Ruddiman, and is dedicated to his old pupil—"His Excellency James Francis Edward Keith, second son of the Right Honourable William Keith, ninth Grand Marischal of Scotland, and himself Velt-Marechal in the Armies of his Majesty the King of Prussia, this Historical Catalogue of the Scottish Bishops down to the Revolution in 1688 (*a Work formerly unattempted*¹), is, with all due respect, humbly inscribed, as a Testimony of his regard, by ROBERT KEITH." The Bishop acknowledges his obligations to "papers belonging to the Family of Panmure," which he received "from a Noble representative of that Family, reckoned to have been the best antiquary in his time ;" to the "Honourable Walter Macfarlane, Chief of that name, universally acknowledged to be the first antiquary in this kingdom ;" and to "Mr Walter Goodall, in the Advocates' Library," who wrote the Preface, which contains the account of the ancient Culdees. Mr Macfarlane well deserved the eulogium bestowed on him by Bishop Keith, and his MS. Collections in the Advocates' Library at Edinburgh evince his unwearied zeal and enthusiasm in Scottish antiquities. Goodall was employed as Sub-Librarian to the Faculty of Advocates under Thomas Ruddiman and his successor Hume the Historian, and assisted the former in the compilation of the first Catalogue of the Library, which was published in a folio volume in 1742. Like both his eminent superiors, Goodall was a Tory and a Jacobite, and was, unlike Hume, a most strenuous

¹ These *italics* are the Bishop's own arrangement.

assertor of the innocence of Queen Mary. He was also a zealous member of the Scottish Episcopal Church. To Bishop Keith's "Catalogue of the Scottish Bishops" are affixed an Alphabetical Table of all the parishes in Scotland, with the County, Diocese, Presbytery, and Commissariat, in which each is situated; a list of the Popes, from John XVII. in A. D. 1000, to Urban VIII. in 1623; a List of the Sovereigns of Scotland, from Constantine III. in A. D. 904, to Queen Mary in 1542; a Calendar of Scottish Saints, and the days on which their Festivals are appointed to be held throughout the year; and "An Account of all the Religious Houses that were in Scotland at the time of the Reformation." A note informs the reader that this part of the volume was "compiled by the learned and ingenious gentleman, John Spottiswoode of Spottiswoode, Esquire, the lineal representative of the Most Reverend Father in God, John Spottiswoode, Archbishop of St Andrews, and Lord High Chancellor of Scotland."

Bishop Keith's "Catalogue of the Scottish Bishops" is probably as correct as the author had the opportunity to make it, considering the authorities to which he had access. It must have been the labour of years, but it is still very far from being complete, and some important omissions are evident. The Catalogue is also liable to the objection that the Titular or Tulchan Bishops, who figure as connected with the several Sees from 1571 or 1572 to 1610, are placed in the order of the Succession as if they had been duly consecrated Bishops, whereas they were mere laymen. This distinction ought to have been pointed out, and indeed it is very doubtful whether their names ought to have been inserted at all. An edition of the "Catalogue" was published in octavo in 1824 by the Right Rev. Michael Russell, LL.D. and D.C.L., Bishop of Glasgow, with a Biographical Sketch. This edition also contains a valuable addition to Goodall's Dissertation on the first planting of Christianity in Scotland and the History of the Culdees, in reply to the statements and assumptions of Dr Jamieson, a Dissenting Presbyterian minister of celebrity in Edinburgh; and a Continuation of the Catalogue

of the Bishops to 1824, including of course all the Post-Revolution Bishops.

Bishop Keith sent copies of his "Catalogue" to Berlin, with a letter to his illustrious relative Field-Marshal Keith. This elicited a reply from that distinguished soldier, which in turn caused an epistle of thanks from the Bishop to his former pupil. The correspondence is worthy of being transferred to these pages from Bishop Russell's biographical outline. The letter to the Field-Marshal is dated Bonnyhaugh, near Leith, October 6, 1755 :—" Sir, This comes by Robert Keith, my grand-nephew, and son to Alexander Keith of Uras, who was your servant at the time I had the honour to be preceptor to you and your brother the Earl.¹ This lad's elder brother, Alexander, was in Paris last year, and as he was bred a sailor, the Earl was pleased to take particular care of him, and to provide for him according to his education.² Your Excellency will see how I have been employed of late from the book herewith sent ; three copies of which come to your hands, one for the King of Prussia, a second for the Earl, and a third for yourself, by this same young man, whom I hereby beg to recommend to your patronage and friendship ; and as he inclines to the sea, he may perhaps turn out to be useful to the King of Prussia, for the boy is abundantly smart, and has a good genius. He will likewise put into your Excellency's hands a copy of the genealogy of his forefathers, to the which I was prompted by the pretensions of another, as you will see.³ About a

¹ The Bishop here means the Earl Marischal, whom he still recognized as the Earl Marischal, notwithstanding his attainder.

² The Earl Marischal was appointed by Frederick III. of Prussia his Ambassador Extraordinary at Paris in 1750. In 1759 he was nominated Prussian Ambassador at Madrid, where he discovered the secret family compact by which the different Princes of the House of Bourbon had bound themselves to assist each other. He communicated this important fact to the British Government, for which George II. rewarded him by a pardon in 1759, and he was kindly received by that monarch in London on the 15th of June 1760. An Act was passed that year, and another in 1761, in his favour.

³ This was the "Vindication of Mr Robert Keith, and of his young grand-nephew, Alexander Keith, from the unfriendly representation of

year ago, at the particular desire of the Earl, I transmitted to you by post a [genealogical] tree of the Family, and I would be glad to know if it came safe to your Excellency's hands. I heartily wish you all happiness, and most respectfully am, Sir, your Excellency's most obedient humble servant—ROBERT KEITH."

Field-Marshal Keith replied to this letter on the 13th of March 1756, dated Potsdam, and addressed to Bishop Keith, *Bonytown*,¹ near Leith :—" Sir, I am infinitely obliged to you for the present you have made me of the book, but much more so for that of your nephew, who is one of the prettiest liveliest boys I ever saw, and according to all appearance will very well deserve, and perfectly answer, the best education I can give him, in which I shall spare nothing that I think necessary for his future advancement. As I see that he has no tincture of Latin, I think it now too late to begin him to it, and therefore shall endeavour to make up that loss to him by the living languages. French and German he will learn by custom here, where these two are equally spoken, and I shall give him a master for Italian. As to the sciences which are most useful to one designed for a military life, and that is the only one by which he can think to succeed here, I have already begun to make² teach him Geography and Drawing, in both [of] which he makes extraordinary progress, and in a short time, I hope, he will be in a condition to begin a course of Geometry and Fortification, after which he shall study History, but more particularly modern, from about the time of Charles V. This is the plan I have laid down to myself for his education, for the which I have still four years, if I live so long, before his age permits him to enter the army. As yet I find not any

Mr Alexander Keith, junior, of Ravelston," printed at the end of this Sketch.

¹ Probably meaning *Bonnington*, a suburban hamlet on the banks of the Water of Leith, upwards of a mile from Edinburgh, and nearly half a mile from Leith.

² "A French manner of expression," observes Bishop Russell, p. xxxvi. ; but perhaps a slip of the pen, or something may be omitted, but the sense is obvious.

fault in his natural disposition. With the greatest vivacity, he is surprisingly tractable, and I can safely say I never saw a more promising boy. But, poor child ! I pity him, since my age, which you know is nearly sixty, can hardly give me any reasonable hope of seeing him far enough advanced before my death to be able to push his fortune afterwards. But you may depend on it, that, both on your account and his own, I shall do all that lies in my power for his advantage. As the King does not understand English, and has no books of that language in his private libraries, I have put the one addressed to him in the public one at Berlin, for which he thanks you ; and the other, which is designed for my brother, I shall send to him to Neufchatel by the first sure occasion.¹ As I have been always persuaded that you preserve your ancient friendship for me, I know it will not be disagreeable to you to know that, after having been troubled for four years with an asthma, I am now perfectly cured of it by the waters of Carlsbad, which I drank last summer, and am now as well as ever I was in my life. I shall always be glad to hear of the continuance of your health, for, believe me, nobody is with more friendship and regard, Sir, your most humble and most obedient servant—JAMES KEITH.”

This acknowledgment was gratifying to the venerable Bishop, and shews the esteem in which he was held by his illustrious relative and pupil the Field-Marshal. On the 30th of March he answered it in the following letter, which Bishop Russell printed in his edition of the “ Catalogue” for the first time.—“ May it please your Excellency, I am honoured with your extraordinary favour of the 13th instant, for your Excellency’s letter is a real cordial to me in my old age, and has cheered my heart not a little, especially as it brings me the refreshing account of your being so well pleased with Bob Keith, who is certainly a fine boy, and is happy in a remarkable sweetness of temper. I am much pleased with the plan of education you have laid down for him, and do most sincerely return my hearty thanks for the kind reception

¹ One of the numerous preferments and honours conferred on the Earl Marischal was the Government of Neufchatel.

your Excellency has honoured him with, and for that remarkable care you are pleased to take of him. I hope you shall have much satisfaction in him, and that he will answer all your expectations. In a late trial¹ before our Court of

¹ "The case of Mr Hugh Macdonald, brother to the Laird of Morrar, of the Clanranald family, his being banished forth out of Scotland for being a Popish Bishop." *SCOTS MAGAZINE* for 1756, p. 100. The extraordinary prosecution of this gentleman by the Presbyterian authorities, to which Bishop Keith alludes—the last, apparently in Scotland, for "being held and repute to be a Popish Bishop"—is narrated in the *SCOTS MAGAZINE*. Bishop Macdonald was apprehended at Edinburgh on the 19th of July on a warrant signed by Charles Erskine of Tinwald, Lord Justice-Clerk, and committed to the Old Tolbooth, which stood in the Lawnmarket ; but he was admitted to bail on the 1st of August, on finding security for the sum of L.300 sterling, that he should repair to the town of Dunse near the English Border, and oblige himself not to go four miles beyond it, till the 15th of November, when he was to appear before the High Court of Justiciary. Bishop Macdonald was tried before that Court on the 5th of January 1756. "The indictment," it is stated in the *SCOTS MAGAZINE*, "bears, That the pannel was held and repute to be a Jesuit, priest, or trafficking Papist, or had changed his name and surname ; and that these, or part of them, together with his refusing to purge himself of Popery, by taking the formula prescribed by and annexed to the Act, 3 Sess. 8. and 9. Parl. 1, King William [III.], when it should be tendered to him by any of the Lords of Justiciary, being found proven by the verdict of an assize, he ought to be banished forth of this realm, with certification that if ever he return thereto, being still a Papist, he shall be punished with the pain of death. The pannel, being asked whether he was willing to take the formula, declared he was not at freedom in conscience to do it. The Court found the libel relevant to infer the pains of law. It was with difficulty the witnesses could be made to appear, and some of them were fined for non-appearance, which protracted the trial. The proof was taken February 2, and the same day the jury returned the following verdict—'All with one voice find it proven, that the pannel is held and repute to be a Popish Bishop, and refused to take the formula annexed to and prescribed by the Act of Parliament libelled on, when tendered to him.' Counsel were heard on the import of this verdict. It was, we are told, pleaded for the pannel that no mention is made of Bishops in the Act, and that penal statutes ought to be strictly interpreted. It was answered, That as Bishops could create priests, they must be understood to be comprehended in the Act. Sentence was passed against the pannel, March 1, precisely in terms of the conclusion of the libel, by which he is ordered to depart out of Scotland, betwixt and the 1st of May next, and he was dismissed from the bar, in order to his so departing the kingdom never to return." Thus was this right reverend gentleman, of an ancient Highland family, expatriated from his native country by one of those odious and intolerable

Justiciary my book was called for, and plentiful use was made of it by lawyers on both sides, so that your Excellency's name has made its appearance at the bar. I am particularly honoured by his Majesty of Prussia in condescending to thank me for a copy of my book, which meets with approbation from the public, particularly among the curious, and the more so as it bears your Excellency's name, with which some persons are particularly delighted, both in Scotland and in England. I am just now drinking in a glass of claret all health and happiness to your Excellency, and all your connections, whom may God long preserve! I am entered upon the seventy-sixth year of my age, and am obliged to use the hand of another in writing; but I thank God I keep health surprisingly well for my age, though I am much failed in my feet. I am much pleased that your Excellency is recovered of your asthma, and I hope you shall count more years than I have done yet. I have the honour to subscribe myself, Sir, your Excellency's very much obliged and most humble servant—ROBERT KEITH. P. S.—I am to send in a present to your Excellency a copy of my History of the Affairs of Scotland, &c. put up in a box, and addressed to the care of Mr Stevens, by whom it shall be sent by some Hamburgh vessel. As Bob Keith is to study history, it will not be amiss that he should look into my History, especially as it relates to the troubles and distresses of the much injured Mary Queen of Scots. Do me the honour to let me know when the said copy of my History comes to your Excellency's hand, for I intend to dispatch it by the first ship that offers.—Adieu.”

The Bishop's wish—that the Field-Marshal might “count more years than he had himself done yet”—was not fulfilled. He fell at the battle of Hochkirchen, fought on the night of the 13th of October 1758, between the Prussians under Frederick III. and the Austrians under Count Daun. On the morning of the 14th, the Field-Marshal, after for some hours keeping the Austrians at bay, and maintaining a

Acts passed in William III.'s Scottish Presbyterian Parliament after the Revolution.

desperate conflict with the flower of their army till the Prussians began to file off in their retreat, was dangerously wounded; but he refused to quit the field, and continued to signalize himself for an hour afterwards, when he received a second shot in the breast, which killed him. His body was stripped by the Austrians, and lay exposed till it was recognized by his pupil Count Lasce, who readily knew it by the scar of a wound which the Field-Marshal had received at Ockzakow. The Count ordered his distinguished master in war to be buried, but the body was taken up and interred at Hochkirchen, in the church of which is a monument, with a Latin inscription by Metastasio, erected by Sir Robert Keith Murray. The King of Prussia ordered the Field-Marshal's remains to be removed to Berlin, and those funeral honours were paid which were justly due to his high rank and distinguished merit, which were universally acknowledged. The eulogy to his memory published at Berlin concluded by stating—"Thus fell one of the greatest men of this age, worthy to be compared with those illustrious heroes who are the boast of Greece and Rome." The Field-Marshal was never married, and as his brother the Earl Marischal died also unmarried at Potsdam in May 1778, with them the direct line of the Earls Marischal of Scotland became extinct, and the representation of the Noble and Ancient Family of Keith devolved on the nephew of the Bishop.

But the venerable Bishop was removed from this world nearly one year and nine months, before the Field-Marshal fell at the battle of Hochkirchen. He died at his villa of Bonnyhaugh, on the 20th of January 1756, between seven and eight in the morning, within eighteen days of completing the seventy-sixth year of his age.¹ It is said that he

¹ The Bishop's death is thus noticed in the contemporary SCOTS MAGAZINE:—"At Bonnyhaugh, near Edinburgh, Mr Robert Keith, one of the Bishops of the Episcopal Church of Scotland. He was born Feb. 7, 1681, was educated in the Marischal College of Aberdeen, and was preceptor to the Earl Marischal and his brother James Field-Marshal Keith, now in the Prussian Service. He was about forty-seven years a clergyman, above twenty-nine years a Bishop. He published a 'History of the Church and State of Scotland from the beginning of the Reformation to 1568,' folio,

was confined to his bed only one day before his death, which was the first time he had been so situated for sixty-four years, though he had, during the whole of his residence in Edinburgh and the vicinity, been constantly affected with nervous headaches. Bishop Keith was married,¹ and left one daughter, whose family settled in Leith, and whose society he enjoyed during his old age. His declining years were spent in study and religious meditation, preparing himself for his dissolution, with Christian composure and resignation. Bishop Russell observes—"Amidst the scarcity of biographical incident, of which the reader has had cause to complain, he may be surprized to meet with the following notice, which I find regularly recorded in an authentic paper—'Bishop Keith, a married man, and having children, died worth only L.450 at the most, and J. M. (his colleague or assistant), a bachelor, died, *proh dolor!* worth about L.3000 sterling, and left not a farthing to the poor suffering clergy.'"

Exclusive of his published Works, Bishop Keith seems to have projected some others which he never completed. Among his Manuscripts were found a "Treatise on Mystical Divinity," in the form of "Letters to a Lady," and a "Scheme of Religion derived solely from the Scriptures," intended, it is supposed, for his own family. "This statement," says Bishop Russell, "is given on the authority of Bishop Alexander, who appears to have consulted Mrs Keith after the death of her husband, and even to have inspected all the literary papers committed to her custody. Bishop Alexander made this inquiry to answer a question put to him by an 'English clergyman,' who was desirous to know whether Bishop Keith 'had left any posthumous Works behind him.'"

Bishop Keith was interred in the parish burying-ground of the Canongate of Edinburgh, near the wall on the western

in 1734; a Catalogue of the Bishops of Scotland down to 1688, 4to. in 1755, and a translation of Thomas à Kempis many years ago." The learned Thomas Ruddiman, the intimate friend of Bishop Keith, and the printer of his Works, died at Edinburgh on the 19th of January, the day before the Bishop's death, in the 83d year of his age.—SCOTS MAGAZINE, vol. xix. p. 54.

¹ The writer has been unable to ascertain the name of the lady whom Bishop Keith married.

side. The spot where his remains are deposited is indicated by a plain square monument, about four feet in height, surmounted by an urn, a few feet south of the tombstone erected by the Poet Burns to the memory of his brother Poet in misfortune—Robert Ferguson. The monument to Bishop Keith was erected by a distant relative, from pious respect for a learned and good man. The simple inscription on it is—"BISHOP KEITH," and the year of his decease—"1756." An additional inscription records the death of his relative and her husband. This is—"Stewartina Catherina Carmichael, wife of William Douglas, died 20th April 1793;" and under this—"William Douglas, Merchant, Leith, died 11th July 1814." The Bishop's small property of Bonnyhaugh descended by inheritance to his daughter and grand-daughter.

The merits of Bishop Keith's "History of the Affairs of Church and State in Scotland" have been always recognized, and the original Work is now extremely scarce. Bishop Russell appropriately observes—"The author, it is true, has not escaped the charge of partiality in his views, and of a certain bias in his reasoning; but he has always been allowed the merit of a fair and candid statement of events, whatever might be their effect on his own conclusions; and has never been taxed, even by the most uncharitable adversaries, with mutilating records, either to screen the reputation of a friend or impeach the motives of an adversary." All writers on the political and ecclesiastical history of Scotland during the period which Bishop Keith discusses, readily acknowledge his Work as the highest authority, and it is to be regretted that he never completed his second volume, a few sheets of which he left, as already mentioned, at his death. Bishop Keith's Work is one of the great sources from which Dr George Cook derived his "History of the Reformation in Scotland," published at Edinburgh in three volumes in 1811; to it the Rev. John Skinner was greatly indebted for materials in his "Ecclesiastical History of Scotland," published at London in two volumes in 1788; and the obligations of Principal Robertson to the industry

of Bishop Keith are already noticed. The value and importance of the Work may be inferred from the testimony of Mr Tytler, in the Preface to the sixth volume of his "History of Scotland," elicited by the "Contributions to Modern History from the British Museum and the State Paper Office ; Queen Elizabeth and Mary Queen of Scots, by Frederick Von Raumur," which appeared in 1836.

As Bishop Keith prominently mentions the fate of the Records of Scotland in his Note to the "Introduction" to his "History," some particulars respecting those important documents cannot be considered irrelevant in this Biographical Sketch. Much valuable information on this subject, illustrative of the Records from the first Parliament of James I. in 1424 to the Restoration of Charles II., is inserted in the Prefaces to the "Acts of the Parliaments of Scotland, printed by command of his Majesty King George III., in pursuance of an Address of the House of Commons of Great Britain," under the superintendence of Thomas Thomson, Esq., Deputy Clerk-Register, in ten volumes folio. These Acts are taken from Records in the General Register House at Edinburgh, and from other sources of inferior though of sufficient and undoubted authenticity. The original Records of the Parliaments of James I. and James II. do not now exist, and it is conjectured that they were lost before the first printed publication of the Statutes of those Reigns in 1566. "That Collection," says Mr Thomson, "was made under the direction of certain Royal Commissioners, who had complete access to the public archives of the kingdom ; and if the Parliamentary Records of those reigns then had existed, it must be presumed that the compilers would have drawn their materials from that source. But this part of their work furnishes intrinsic evidence that the Statutes of King James I. and of King James II. had been taken not from the original Records, but from

imperfect transcripts or compilations, such as are known to have been common before the publication of any printed edition, and some of which are still extant. The more ancient of these Manuscripts have been examined and collated, and by their diversities of reading have afforded the means of detecting numerous errors in the edition of 1566; while at the same time they have been found to exhibit a coincidence in the general plan of compilation, as well as in many minute and accidental circumstances of arrangement and transcription, which sufficiently exposes the secondary nature of the sources from which the compilers of that edition had been forced to derive their materials." To these remarks it may be added, that the Collection published in 1566 by command of Queen Mary, contains part of the Acts of her Reign, and those of her predecessors from James I. to James V. As it is printed in the Black or Saxon characters, it obtained the soubriquet of the *Black Acts*. The other Collections to which Bishop Keith and other writers of his time had access for consultation, are—

1. The Public Acts of the five Jameses, of Queen Mary, and part of those of James VI. published in 1597 by Sir John Skene, Clerk Register to that Prince.
2. The Public Acts of the first five Jameses, Queen Mary, James VI., Charles I., and part of those of Charles II., by Sir Thomas Murray of Glendook, Clerk to his Majesty's Council, Register, and Rolls, by his special warrant.
3. Another edition of Sir Thomas Murray's Collection, published in 1682 and 1683, in two small volumes, to which a third was added by the King's Printers after the Union, containing the Public Acts between 1681 and 1707.

In the second volume of the "Acts of the Parliaments of Scotland," printed by command of George III., the only additions among the Acts of the Parliaments of James I. are the 6th, 9th, 14th, and 27th Acts of the Parliament, May 12, 1424; the 9th and 10th Acts of the Parliament of 1429; and the 3d Act of the Parliament of 1431. The additions to the Parliaments of James II. are—two Acts of a General Council in 1438, one taken from an original instru-

ment; and an Act of the Parliament of 1449, respecting the power of Bishops to bequeath their goods by testament, taken from the Chartulary of the Priory of St Andrews. Eight Statutes of former Parliaments are also added, which are supposed to have been under the consideration of the Parliament of 1449, and may have been then re-enacted. The original Parliamentary Records in the second volume of the Acts printed by command of George III. begin in the reign of James III.; and from 1466 downwards Mr Thomson observes that a "voluminous but not unbroken series of Books has been preserved." The original Records of various Parliaments from James III. to Queen Mary are lost, and the only remains of them are to be found in the Collection of 1566. The Records of the Parliaments of James IV. in 1493, 1496, and 1509, do not exist; but the defects of those of the reign of James V. are less considerable. The original Records of the Parliaments of Queen Mary are described as very deficient, and with the exception of a Parliament held in November 1558, and another in April 1567, are entirely lost from June 1548 to the end of her Reign. The statutes of the intermediate Parliaments are in the edition of 1566, and are also preserved in a written copy of nearly the same date.

Various Parliaments were held by the four successive Regents of Scotland from the accession of James VI. in 1567, to his actual assumption of the Government in 1578, but no regular and complete record is now preserved. Some valuable portions and fragments of them have, however, been found, and the whole are inserted in the third volume of the "Acts of the Parliaments of Scotland," printed by command of George III. The original Books of Parliament from 1578 to 1592 are apparently complete and entire, and the proceedings of some of the frequent Conventions of the Estates of the Kingdom, held during the intervals of successive Parliaments, are preserved among the Records in the General Register House at Edinburgh. The proceedings of the Parliaments held during the latter half of the Reign of James VI., from 1593 to 1621, are in the same national depository,

and are not materially injured or mutilated, though in several instances the Record is left imperfect by the omission of a considerable number of Acts, the titles of which are in the lists annexed to the earliest publication of the statutes of these Parliaments. The most remarkable omissions are in the Parliaments of 1597 and 1612. In many cases the Record is obscure in its meaning by minute errors of transcription. A few of the original Warrants, and some of the proceedings of the General Conventions of the Estates, which were often held during the latter half of the reign of James VI., are preserved. These are occasionally in the form of a separate and peculiar Record, or are in the Registers of the Privy Council.

The Acts of the two first Parliaments of Charles I., and the contemporaneous proceedings of several Conventions of the Estates, are partly in the regular Records framed at the time, and partly in authenticated originals, or Warrants of a Record now lost or destroyed. The regular Records are those of the Parliament of 1628, which was ultimately continued till 1633, and the Acts of the Conventions held in 1625, 1630, 1631, and 1632. The Acts and Proceedings of the second Parliament of Charles I. held in 1639, and continued to 1641, were digested into the usual Record, which, with other public documents, was carried off by Cromwell in 1651, and deposited in the Tower of London; but a brief abstract of its contents was framed by William Riley, senior, Clerk of the Records in the Tower, under whose care it was placed about 1654, and published by Sir Joseph Ayliffe, Bart. in 1774. After the Restoration of Charles II. this Record was probably sent back to Scotland with the other Books of Parliament; but "the actual destruction," says Mr Thomson, "of this and of the Records of the subsequent Parliaments held in the reign of Charles I. would appear to have been one of the consequences of an Act passed in the year 1661, by which those Parliaments, and all Acts and deeds passed and done in them, were rescinded and annulled, excepting in so far as they related to the civil and private interests of individuals, which were declared in the meantime

to stand good and valid." The Records of the Conventions of Estates held in 1643 and 1644 are preserved ; but those of all that were called Parliaments in Scotland from 1644 till the subjugation of the kingdom by Cromwell in 1651, and the suppression of its Legislature, have not been found, and their history and fate are obscure and doubtful. " The subsequent fate of these Records," observes Mr Thomson, " is altogether uncertain. There are some grounds for believing that they may have been lost at sea on their return to Scotland at the Restoration, and some reasons for supposing that they may have been afterwards intentionally destroyed ; but thus much at least may be presumed, that, if they escaped these various hazards, they would be but little cared for after their legal validity and value had been impaired, and in a great measure done away, by the rescinding Acts of Parliament of 1661." Though a great proportion of the Acts and proceedings of those illegal Parliaments are irrecoverably lost, important fragments and documents nevertheless remain.

From the preceding statements it appears that the Records of the Statutes of several Parliaments from the reign of James III. to Queen Mary are lost, and can only be supplied from the edition of 1566, with some manuscripts still existing, and other written copies of a later date. The original Records of Queen Mary's Parliaments are defective, and from June 1548 to the end of that Reign are, as already observed, entirely lost, with the exception of the Parliament in November 1558, and of another in April 1567. The " History of the Affairs of Church and State in Scotland " by Bishop Keith extends from 1527-8 to 1568.

It is almost unnecessary to allude to Edward I. of England, who, after being chosen to decide on the claims of the different competitors for the Crown of Scotland, issued a writ directed to William Fraser, Bishop of St Andrews, Ralph Basset of Drayton, Constable of the Castle of Edinburgh, and William of Dumfries, Clerk-Register for Scotland, commanding them to deliver to the Abbots of Dunfermline and Holyrood, and certain other persons therein named,

such Records as were within the Castle of Edinburgh, or anywhere else in Scotland. The parties nominated in Edward I.'s writ were authorized to inspect and investigate such of the Records as had any reference to the claims of the competitors, or to the King himself, and his own kingdom of England, in the place which he had assigned for their meeting. Most of the then existing Records of Scotland were in consequence carried to Berwick-upon-Tweed, and were there deposited on the 23d of August 1293. A Catalogue of those Records found in the castle of Edinburgh is still preserved in the Chapter House at Westminster, and was printed in Sir Joseph Ayliffe's "Calendars of Ancient Charters." A correct copy of it is printed in the "Introduction, giving a State, founded on Authentic Documents still preserved, of the Ancient Records of Scotland which were in that Kingdom in the year 1292," by William Robertson, Esq. one of the Deputies of the Lord Clerk-Register for keeping the Records of Scotland. This is evidently the true account of Edward I.'s seizure of the Scottish Records; and the story of his forcibly carrying them off to Westminster, and destroying them, to obliterate all traces of the national independence, is altogether a fable.¹ Edward I. entered Scotland in 1296 at the head of a powerful army, forced Balliol to surrender the Scottish Crown, and obtained uncontrouled possession of the kingdom. "It cannot be doubted," observes Mr Robertson, "that along with the kingdom, King Edward got possession likewise of its Records, with which his officers, who had so lately seen and examined them, were minutely

¹ "Upon the whole, there is the greatest reason to believe that the story propagated of King Edward I. having brought out of Scotland all the ancient Records of that kingdom, and of his having lodged them in his Exchequer at Westminster, is fabulous.—It is still further observable that the Scottish writers are not agreed in the story of Edward having taken away all the Scottish Records, for Hector Boethius, Buchanan, and others allege that those Records were burnt in Scotland by order of King Edward I., which fact, if it was one, is again denied by Tyrell and other English writers, who suppose this allegation to be a calumny invented by Boethius." Calendars of the Ancient Charters, &c. and of the Welch and Scottish Rolls now remaining in the Tower of London, &c. 4to. London, 1772, p. lvii. lviii.

acquainted. This seems to be proved by three schedules entered in Mr Agarde's Index in the Chapter House at Westminster. It is certain that King Edward I., from the year 1296 till his latest breath, regarded Scotland as part of his dominions. It cannot, therefore, be supposed that so politic a Prince would intentionally destroy Records essentially necessary to the government and to the general interests of the country, as well as to the private interests of many of the greatest landholders who supported his pretensions to the last. Indeed, if the Records themselves had been destroyed, those Catalogues of them must have shared the same fate. Nor can the disappearing of these Records surprise us, when we consider the slovenly and careless manner in which the Records of England itself were kept; and if many of the most important Records of that country have been lost, we cannot wonder that the Records which may have been carried into England attracted still less attention and care."

This view of the subject is corroborated by the authority of John Riddell, Esq. Advocate, who, in noticing the "lamentable destruction of muniments and writings," says—"This has been chiefly owing, I humbly conceive, to the ruthless and precipitate nature of our Reformation, and the sad havoc it occasioned to writs and documents in general, especially by the destruction of religious houses—their chief custodians, intestine tumults and feuds, no doubt, partly contributing, with occasional incendiary inroads of the English; but not so much directly to Edward I. as imagined, who was more bent, with curious antiquarian zeal, on recovering and securing those instruments and authorities that concerned the important subject that engrossed him—the feudal superiority of England over Scotland.—It was owing to their [the Reformers] exhortations to an infuriated rabble to destroy the '*nests*'—cathedrals and abbeys—of the Papal Hierarchy, that, not to mention various important chronicles and other writings, the Ecclesiastical Registers and Archives, including the Consistorial—have nearly all irretrievably perished, and been withheld from us. Edward I., whose name has been used

as a bugbear, was in a very trivial degree indeed the cause of the lamentable deficiency of Scottish writs and memorials, which characterizes and distinguishes Scotland from almost every European State. The deprivation in question is chiefly owing, in the first place, to the destruction of the records of the Church, who had so extensive a jurisdiction in their ultimate and crowded tribunal of the 'SENYE,' held at the metropolitan city of St Andrews, as well as in the subordinate courts, in matters wholly ecclesiastical, or deemed to be so, but since absorbed by the Court of Session. These included all cases of marriage, separation, divorce, legitimacy, bastardy, and descent, defamation, teinds, contracts, and obligations; and everything turning upon the nature of an oath, opening the widest field to discussion and litigation; besides, innumerable questions apparently of a civil kind, connected with the justice administered in the high Baronial Church Courts over feudal vassals and rentallers. Then there were the services, and infeftments, and copyhold admissions of the latter in land, embracing the greater part of all Scotland, the confirmation of the testaments of *all*, and the cognizance in every case of executry and moveable succession. It was before the ecclesiastical tribunals likewise, that transumps or exemplifications of the most solemn and important *civil* deeds were taken, at the instance of laics, and duly entered for better preservation in their Registers—the adhibition of the sacred authority being held to give the greatest weight to the procedure. All the mass of Records embodying the above transactions, besides the warrants, valuable chronicles, chartularies, original charters, and title-deeds, &c. &c. were kept within the walls of the cathedral or religious house—in the case of the former chiefly in the archives of the Consistorial Court, which formed a part of the august edifice—with whose destinies they were thus united; and nearly the whole, excepting some chartularies and consistorial MSS. embracing divorce and executry cases, have perished. Secondly, the deficiency alluded to has been attributed, although in a far less extent, to the shipwreck of certain deeds and muniments at sea on their return to

Scotland from England, where they had been officiously and unnecessarily sent during the Usurpation. It has often struck me that the Presbyterian clergy had by no means the taste or refinement of their Romish predecessors, particularly as displayed in caligraphy, and the splendid illuminations and elegant pictorial decorations so common in their MSS. Writing degenerated into a miserable, barbarous, and almost unintelligible scroll after the Reformation. Neither were the former good custodians of writs like the latter, as is fully instructed by the lamentable loss and deficiency of many parish registers, so important in matters of pedigree, even in the eighteenth century, and I need not add previously.”¹

Without farther noticing the alleged conduct of Edward I., who undoubtedly took possession of the kingdom and castles of Scotland, and ordered all the Records and Muniments to be removed for investigation of the claims of the competitors for the Crown, no doubt exists as to Cromwell’s forcible seizure, and the subsequent loss and damage of many of the most valuable documents which it occasioned. Previous to this, the Records were kept in the Castle of Edinburgh, as appears from a “Representation” to the Scottish Parliament, on the 29th of June 1650, “by the Lord Register, of the condition of the Castle of Edinburgh, that it might be taken in consideration, in regard that the haill Registers which concern the kingdom so highly are lying there, they maybe made secure.”² The whole Records of the Parliaments and Courts of Justice were deposited in the Tower of London, under the care of Mr Riley, the official Keeper of the English Records. This act of violence was found to be such a serious obstacle to the administration of the law in Scotland, that the Scottish authorities complained to Cromwell’s so called Council of State for redress. This matter was reported to the then English Parliament on the 9th of September 1653, by whom it was declared—“That it be referred to the Council

¹ Inquiry into the Law and Practice of Scottish Peerages, by John Riddell, Esq. Advocate. Edinburgh, 8vo. 1842, vol. i. p. 240, 241, 242.

² Acta Parl. Scot. folio, vol. vi. p. 531.

of State to take care and to give order, that such Registers as concern private persons' rights, securities, and conveyances of land, bonds, and contracts between party and party, with their warrants, and all process of plea, be sent back to Scotland, to be disposed of as the Commissioners for the Administration of Justice there shall find expedient for the good of that service ; and that such as are of public concernment, and for the benefit and advantage of the Commonwealth, be preserved and kept ; and that the Council of State do likewise take care of the safe keeping of the Records in the Tower. And it is also ordered, that such person and persons as shall have the custody of the Registers which are to remain here, be empowered and authorized to give extracts out of the same unto such persons as shall desire it ; and that such extracts shall have the like faith, and be of the like validity in Scotland, as extracts made there from such Registers have usually had."

It is thus evident that only a certain portion of the Records—those affecting the rights of property and the Courts of Law—were to be restored. But nothing more was done in the matter, notwithstanding the above orders, till the 23d of July 1657, when the " Council of State" enjoined sundry Records and Registers in the Tower to be " sent into Scotland with the first opportunity, and delivered into the charge of the proper officer appointed for keeping the Records at Edinburgh Castle, where they are to be kept in the room or rooms which were formerly used for that purpose, to the end the same may be made use of as there shall be occasion, in order to the doing of right justice to the people of that nation ; and it was referred to the Master of the Rolls, Sir Archibald Johnston [called] Lord Warriston, Gabriel Beck, and William Riley, Esquires, or any three of them, to take care that such of the Records, Writings, and Registers of Scotland remaining in the Tower as aforesaid, as concerns private men's cases and interests only, be separated from those of a public nature, to the intent those that are of a private nature may be sent into Scotland accordingly."

By an order of the 13th of August, " Sir John Barkstead,

Knight, Lieutenant of the Tower of London, George Donning, and Nathaniel Taylor, Esquires," were added to the Committee appointed on the 23d of July. At a meeting of the "Council of State" on the 18th of September, at which Cromwell presided, a report was read from Johnston of Warriston, Barkstead, Taylor, and Beck, stating that they had "severed and set apart" all the private Records, which they enumerated, "being the prime judicature of all civil causes" in Scotland; and that they had caused an inventory and duplicate to be made, that the same may be attested as the "Council of State" may think proper, that "so one of them may be kept here [London], and the other be sent into Scotland, to be kept with the said Books of Entry, in case the Council shall approve thereof, and shall order the said books to be sent thither." His "Highness the Lord Protector and the Council" were pleased to order that the specified Books, "so severed and set apart" by the Committee, be sent into Scotland, and delivered to the proper officer at the castle of Edinburgh appointed for keeping the Records—that Johnston of Warriston was to sign the duplicate, which was to remain in the Tower, and the other duplicate, after signature by three of the English referees, "together with the said Books before specified, the said William Riley is hereby authorized and required to deliver into the hands of the said Sir Archibald Johnston, to be sent into Scotland in such ship as the Commissioners for the Admiralty and Navy shall appoint to carry the same, to be safely delivered into the castle of Edinburgh, according to the said Order."

The nature of the documents thus ordered to be returned will be ascertained from the "Inventory" of the Records, which consisted as follows:—

1. CONTRACTS, 486 volumes; the first volume beginning 28th January 1560, and ending 25th October 1651, and the last from 1st June 1649 to the 22d June 1650.

2. DECREET BOOKS, 505 volumes, from 19th June 1492 to 19th February 1650.

3. LAWBURROWS, 26 volumes, from 6th September 1591 to 23d November 1649.

4. REGISTER OF PARTICULAR SASINES, 38 volumes, from 26th July 1617 to 13th July 1650.

5. REGISTERS OF SUSPENSIONS, 90 volumes, from 13th January 1574 to 26th January 1649.

6. REGISTERS OF CAUTION AND RESIGNATION, 57 volumes, from 5th October 1478 to the last day of February 1650.

7. REGISTERS OF COMPEERINGS, 9 volumes, beginning 6th January 1636, and ending 4th November 1647.

8. MINUTE-BOOKS, 94 volumes.

9. VALUATIONS and KIRKS, 10 volumes.

10. REGISTERS OF HORNINGS and INHIBITIONS, 4 volumes, from 9th March 1589 to 1st June 1630.

11. REGISTERS OF LOOSINGS OF ARRESTMENTS, 2 volumes, from 4th January 1628 to 31st December 1631.

12. PROTHEGALLS [PROTOCOLS], 6 volumes.

13. OLD DECREETS, ACTS, MINUTES, AND PROTHEGALLS, 60 volumes.

14. REGISTERS OF SIGNATURES, 45 volumes, from 1st March 1541 to 26th July 1644.

15. CHARTER-BOOKS, 50 volumes, from 1424 to 8th March 1628.

This "Inventory" was thus signed—"I, Sir Archibald Johnston of Warriston, Clerk of Registers of Scotland, do hereby acknowledge that I have received of William Riley, Esq., Clerk of the Records in the Tower of London, the several Books and Registers of the Scottish Records contained in the above-written Inventory, being in number 1609, according to the above Order of His Highness and His Council, bearing date at Whitehall, the 18th of this instant September 1657. A. JOHNSTON, *Cls. Reg.* Signed in the presence of the Subscribers—WILLIAM RILEY, *Junior*, T. MACDOWALL, *Witness*; A. PATERSON, *Witness*." It appears that the real number of the Books and Records, instead of 1609, was 1547, making a difference of 62.

These documents, of the utmost importance in the administration of justice, the possession of property, and other matters of vital interest, arrived safely, and were deposited in Edinburgh Castle. After the Restoration of Charles II.

the Records of a public nature carried off by Cromwell were sent back to Scotland. Bishop Keith, in the first Note to his "Introduction," observes—"Our public Records were carried off by Oliver Cromwell, and though after the Restoration of the Royal Family they were ordered to be returned by King Charles II. in the end of the year 1660, yet the ship in which they were put having been lost at sea, a part of them only was saved, as will appear by this Act of Parliament." The Bishop inserts the Act of the Scottish Parliament of 11th January 1661, alluding to a previous Act in favour of Major Fletcher, narrating the fate of those Records which were unfortunately lost at sea. Bishop Keith says that the wrecked vessel belonged to the little seaport town of Wemyss in Fife, but Burntisland seems rather to be indicated, upwards of ten miles farther up the south coast of Fife, and which was, previous to the Union in 1707, a very flourishing seaport. The Act cited by Bishop Keith was followed by an "Act of Exoneration to Mr John Young concerning the Public Records of this Kingdom," in which it is declared — "The King's Majesty and Estates of Parliament, considering that the public records of this kingdom, which have been in England those years bygone, being by public order put into Major Fletcher's trust, to be carried hither in his Majesty's frigate called the Eagle, whereof he is Captain; and that they were necessitat[ed] through the violence of a storm, which was so great as ship and all therein had almost perished, to put fourscore [and] five of these hogsheads into another ship, which since is sunk and drowned with these hogsheads and records in her; and that it is found by the trial and depositions of the witnesses taken in the business, that Mr John Young, who was attending the Registers, did not at all consent to the taking out of the frigate, or putting them into another ship, do therefore exoner[ate] the said Mr John Young, and declare him free of any accession to the loss of these Registers; and that he carried himself faithfully according to his trust."¹

¹ Acta Parl. Scot. folio, vol. vii. p. 11.

One of the two vessels containing the Public Records arrived safely in the Frith of Forth, but the other was thus irretrievably lost by the injudicious conduct of Major Fletcher, notwithstanding his "Exoneration," if we are to attach any credit to the opinion of Mr John Young, who was opposed to the removal of the Records from the vessel. It seems that all those Records and other documents were deposited in two large, dark, and hideous apartments under the Parliament House, called the *Laigh* [*Low*] *Parliament House*, where very little attention could be bestowed on their preservation. The Records were in reality kept in the most careless and defective manner, and most irregularly adjusted, after the middle of the seventeenth century. An Act was indeed passed in 1672 to check such neglect, but it does not seem to have been much observed, and the slovenly system continued. The Lords of the Privy Council occasionally visited the Chancery Office, "but," says Mr Riddell, "these being previously announced, the most inordinate and precipitate haste ensued in making up the leeway, seven or eight additional scribes being pressed into the service on a momentary notice, who worked night and day, including Sunday, for the purpose."¹ In November 1768, Lord Frederick Campbell, third son of John Campbell of Mamore, second son of Archibald, ninth Earl of Argyll, and who in 1761 succeeded as fourth Duke of Argyll, was appointed Lord Clerk-Register of Scotland. On the 27th of June 1765 his Lordship laid the foundation stone of the General Register House, one of the most magnificent and conspicuous public edifices which ornament the Scottish metropolis. On the 13th of August 1787, the Deputies for keeping the Records took possession of their apartments in that building, and began to remove the Records thither from the dismal rooms under the Parliament House. On the 5th of October 1791, the Records were finally removed, and arranged in the General Register House—the permanent Depository of all the National Muniments of Scotland.

¹ Inquiry into the Law and Practice in Scottish Peerages, by John Riddell, Esq. Advocate. Edin. 8vo. 1842, p. 255, 256.

THE following Tract refers to a subject in which Bishop Keith most naturally took great interest, viz. his descent from the distinguished Family of Keith, Earls Marischal, and his own claim, and that of his "young grand-nephew," to be the representatives of those Noblemen, failing issue of the then Earl Marischal so designated, though attainted for the Enterprize of 1715, and his brother the illustrious Field-Marshal Keith. As the Bishop's "VINDICATION," which was never published, but privately printed by him in 1750, sufficiently explains the position of his own family, and the unwarrantable claim of the Keiths of Ravelstone to be descendants of any of the Earls Marischal, it is unnecessary to enter farther into detail. In the "PEERAGE OF SCOTLAND," by Sir Robert Douglas of Glenbervie, edited by John Philip Wood, Esq. it is stated that William, grandson of Alexander Keith, fourth son of William, third Earl Marischal, had two sons, Alexander and William, and from the former descended "Alexander Keith of Uras, and Bishop Robert Keith." The Bishop's then near relative, Alexander Keith of Uras, left two sons, Alexander and Robert, who both died unmarried, the latter in 1780, while a Captain in the Third Regiment of Foot Guards, with the rank of Colonel in the Army. This was the "young grand-nephew" of the Bishop. So far this account of the descent of Bishop Keith and his relatives is correct in the above mentioned "PEERAGE;" but it is immediately followed by a most extraordinary genealogical detail, to the effect that after the death of the Bishop's grand-nephews without issue—"the representation of the Marischal Family devolved on Alexander Keith of Dunnottar, in the shire of Kincardine, and of Ravelstone in the county of Edinburgh, descended from William Keith of Camculter, second son of William Keith of Pittendrum, and brother of Alexander Keith of Uras."¹

Now, referring the reader to the valuable statement by John Riddell, Esq. Advocate, which is inserted at the end of the Bishop's "VINDICATION," and forms an appropriate

¹ Douglas' Peerage, vol. ii. p. 191.

conclusion to it, and without entering into the question of family descent, it is only fair to inform the reader who may take an interest in such matters, that the preceding account is altogether spurious and unfounded. Keith of Dunnottar was not descended from William Keith of Camculter, second son of William Keith of Pittendrum, and brother of Alexander Keith of Uras. The ancestors of the Keiths of Dunnottar were feuars or tenants of the Marischal Family, of the same name undoubtedly, but no connections of those Earls. Mr Wood prominently refers to "a more particular account of the family of Keith of Ravelstone inserted in Douglas' *BARONAGE*;" but that Work is in many of its details very inaccurate, and little reliance can be placed on its statements, which seem to have been inserted in numerous instances, to gratify individual vanity. Alexander Keith, Esq. of Ravelstone, "one of the Under-Clerks in the Court of Session," whose claims Bishop Keith refuted, is said to have been born on the 9th of March 1705, and died 12th September 1792, leaving four sons and two daughters, several other children having died young, by his wife, a daughter of Sir John Swinton of Swinton in Berwickshire. By that marriage his family and descendants became relatives of Sir Walter Scott. It is farther stated that "this Alexander Keith of Ravelstone purchased in 1766, from George Earl Marischal, the castle and lands of Dunnottar; and the Earl ordered the whole Family Papers, and the black stock of Dunnottar, an oaken table said to be brought by the Catti¹ from Germany, reckoned an ancient heir-loom of the

¹ According to the Peerage account of the Marischal Family, which professes to be derived from the "most authentic historians," Robert, leader of a tribe of the Catti, who emigrated from Germany into Scotland, killed Camus, the commander of the Danes, at Barry in Forfarshire, in a great battle fought between them and the Scots under Malcolm II. in A. D. 1010. It is farther recorded that the King dipped his fingers in the blood of Camus, and "drew three perpendicular strokes on the upper part of Robert's shield, whence his descendants bear three pallets, gules, on a chief. Malcolm, in regard of his eminent services, created him Heritable Great Marischal of Scotland, and bestowed on him several lands, particularly some in East Lothian, still called Keith, the ancient name Catti being in process of time transposed to Kethi and Keycht; and still more lately, for softness of pronunciation, KEITH."—DOUGLAS' *PEERAGE*, vol. ii. p. 184.

Family, to be delivered up to him as an acknowledgment of his descent." But admitting the purchase of the castle and lands of Dunnottar by that gentleman, the alleged presents of the Family Papers and the old oak table prove nothing, and could not confer on him a descent which it was impossible for him to acquire. The whole of the details in Douglas' PEERAGE and BARONAGE must, therefore, on the most conclusive evidence, be completely rejected. It may be here stated, that the heirs-male of the Earls Marischal are now supposed to be extinct, and that the real and undoubted representatives of that ancient Noble Family are the Earls of Kintore and the Lords Elphinstone by female descent, the latter, however, much the nearer in point of propinquity.

The descent of both may be thus stated :—At the death of William fourth Earl of Kintore in 1758, grandson of the Hon. Sir John Keith, third son of William *sixth* Earl Marischal, from whom descend the ancient Family of Forbes, Bart. of Pitsligo and Fettercairn, by Lady Jane Keith, elder daughter of the first Earl of Kintore, the estates devolved to the Earl Marischal, and the honours became dormant, as the Earl Marischal would not allow a clause, enabling him to inherit titles, to be inserted into the Act of Parliament which allowed him to inherit estates. At the Earl Marischal's death in 1778 the titles and estates devolved on Lord Falconer, grandson of Lady Catherine Margaret Keith, eldest daughter of the second Earl of Kintore, who married David fifth Lord Falconer of Halkerton. By this marriage were five sons and four daughters. His eldest son succeeded as sixth Lord Falconer, who, dying without issue, was succeeded by his brother William in 1762. He was the father of Anthony Adrian eighth Lord Falconer, who succeeded in 1776, and on the death of Earl Marischal in 1778, obtained the estate, and became the fifth Earl Kintore. He was the father of William sixth Earl, and grandfather of Anthony Adrian seventh Earl, who died in July 1844, and was succeeded by his second son Francis, born in 1828, who enjoyed the second title of Lord Inverury by the accidental death of his elder brother in England in the spring of 1844.

On the other hand, Charles, the tenth Lord Elphinstone married, in 1735, Lady Clementina Fleming, only child of John sixth Earl of Wigton, by his second Countess, Lady Mary Keith, eldest daughter of William *ninth* Earl Marischal. The offspring of this marriage were six sons and four daughters. John, the eldest, succeeded his father as eleventh Lord Elphinstone in 1781, and was father and grandfather of John twelfth Lord, and of John thirteenth Lord, born in 1807, who succeeded his father in 1813. The celebrated Admiral Sir George Keith Elphinstone, created a Peer of Ireland by the title of Baron Keith of Stonehaven-Marischal in 1793, and of Great Britain by the title of Baron Keith of Bandeth in 1801, was the fifth son of the above mentioned tenth Lord Elphinstone and Lady Clementina Fleming, the grand-daughter of the ninth Earl Marischal. His Lordship was succeeded by his elder daughter Margaret Mercer Elphinstone in 1823, who became Baroness Keith in her own right, and who married, in 1817, Auguste Charles Joseph, Comte de Flahault de la Billarderie, by whom her Ladyship has three daughters, the eldest of whom married in 1843 Henry Earl of Shelburne, eldest surviving son of the Marquis of Lansdowne. It thus appears that the descendants of Lord Keith rank next, as it respects propinquity, to the Lord Elphinstone, as the direct descendants by the female line of William ninth Earl Marischal.

It will be observed that in his "VINDICATION," Bishop Keith purposely omits his episcopal designation, and any allusion to his clerical character, designating himself simply as "*Mr Robert Keith*" throughout the whole of the pamphlet. The purport of this is obvious, for his professional life had no connection with his descent from the ancient Earls Marischal. The office of "Under-Clerk" in the Court of Session, or Scottish Supreme Court, held by Mr Keith, "junior of Ravelstone," is now abolished, having been superseded by some of those alterations affecting the subordinate offices of the Court, passed from time to time by Acts of the Legislature.

A VINDICATION

OF

MR ROBERT KEITH, AND OF HIS YOUNG GRANDNEPHEW ALEXANDER KEITH, FROM THE UNFRIENDLY REPRESENTATION OF MR ALEXANDER KEITH, JUNIOR OF RAVELSTON,¹ ONE OF THE UNDER-CLERKS IN THE COURT OF SESSION.



HE thing which gave rise to this *Vindication*, &c. was this: Mr Robert Keith had written some few short Notes concerning the MARISCHAL FAMILY, a copy whereof he delivered to Mr Alexander Keith, the Clerk, at his own request, in the end of July, this year anno 1750, and he promised to transmit the same to the Earl of Kintore,² as Mr Robert Keith desired he might do.

On these Notes Mr Alexander Keith, the Clerk, was pleased to make several right singular remarks, which he sent in writing to Mr Robert Keith on the 19th day of November following, one of which remarks is that which here follows, viz.—

“ I come next to William the third Earl, where, after you tell that his youngest son Alexander got the lands of Pittendrum, for this you cite a copy of the sasine of the lands in favour of this Alexander; and then you have this marginal note, viz.”—

And this Alexander Keith, son to this Earl, is the direct predecessor of Alexander Keith, some time ago Sheriff-Depute

¹ [Ravelstone is a beautiful property at the base of Corstorphine Hill, about two miles west of Edinburgh on the road to Glasgow.—E.]

² [John, third Earl of Kintore, grandson of the Hon. Sir John Keith, third son of William sixth Earl Marischal, who was created Earl of Kintore in 1677, for his reputed preservation of the Regalia of Scotland from falling into the hands of Cromwell's forces, when Dunnottar Castle was besieged for the purpose of obtaining possession of them.—E.]

of Kincardine, and of me, Mr Robert Keith, residing for the present time, anno 1750, in Edinburgh, as is evident by copies of charters in my possession taken from the Public Records. Then Mr Alexander Keith, the Clerk, proceeds—
“ I shall not controvert, indeed, that you might, when going through the family papers or records, have seen and taken a copy of the original sasine of the lands of Pittendrum in favour of this Earl’s youngest son Alexander, but that you or nephew are the lineal representatives of this Alexander I absolutely deny. Nor do I think any copies of sasine or charters will serve your purpose, without you could connect to them, which I am pretty sure you cannot. You will remember several years ago, when with you in your house in Canongate, you broached this to me, when I only then asked you, as I still do, if you could condescend on any one of your predecessors who resided or had a fur of land in any part of the county of Buchan where Pittendrum lies, since the time that Alexander got these lands? and I think you could not. You will forgive me to say, that such a surmise was never heard of till you set it abroad yourself. But as you have been so full of conjectures, allow me to use one, and I think with as much probability as some of your own, and that is, that you and nephew are come of Keith of Auchterhouse, Sheriff-depute of the Mearns.” Thus far Mr Alexander Keith in this remark of his.

Now, would not one be ready to think, that Mr Alexander Keith, the Clerk, should have been well apprised of all that Mr Robert Keith had to reply, before he had made use of so magisterial and peremptory an expression, *I absolutely deny*, and again, *I am pretty sure you cannot*? Whereas indeed it appears he knows nothing at all of the matter.

I shall therefore here give a deduction of the whole case. From my infancy I was told that my grandfather had had an estate called Pittendrum, lying in the shire of Aberdeen. In the year 1704, I having then the honour to be tutor or preceptor to the Lord Keith, Mr James Keith of Aforsk, at that time Sheriff-Depute of Kincardine or Mearns, told

me, that in looking through the Earl Marischal's papers, he had found a precept of sasine of the lands of Pittendrum and Pitblae to your predecessor, said he; for the Sheriff knew well what branch of the honourable Family Mr Robert Keith was descended; therefore I, the said Mr Robert, prayed the Sheriff to get me a copy of that paper, which he was so kind as to do. The tenor of it is this:—

Willielmus Comes Mariscal, &c. dilectis nostris Antonio Keth, Archibaldo Keth, Joanni Keth, &c. ac eorum cuilibet, conjunctim et divisim, Ballivis nostris in hac parte irrevocabiliter constitutis, Salutem. Quia dedimus et concessimus hæreditarie dilecto filio nostro Alexandro Keth, omnes et singulas terras nostras de Pittendrum et Pitblae, cum suis pertinen. jacen. in baronia nostra de Aden, infra vicecomitatum de Aberdeyn; quæ quidem terræ cum pertinen. fuerunt filii nostri Gilbert Keyth hæreditarie, et quas ipse, non vi aut metu ductus, nec errore lapsus, in manibus nostris apud Castrum nostrum de Dunnotar, per fustem et baculum sursum reddidit, pureque et simpliciter resignavit, prout in charta nostra sibi desuper confecta plenius continetur: Vobis igitur et vestrum cuilibet, conjunctim et divisim, præcipimus, damus in mandatis, ac firmiter mandamus, quatenus dicto Alexandro, aut suo certo auctornato, seu procuratori, sasinam hæreditariam dictar. terrar. de Pittendrum et Pitblae, cum suis pertinen. tradatis et deliberetis, aut unus vestrum tradat et deliberet: Ad quod faciendum, vobis et vestrum cuilibet conjunctim et divisim, nostram plenariam et irrevocabilem, tenore præsentiam, committimus potestatem; et, in Signum Sasinæ per vos traditæ, sigillum vestrum in secunda cauda, post nostrum præsentibus appendatis, seu unus vestrum appendat. Dat. sub sigillo nostro, apud Castrum nostrum de Dunnotar, quarto die mensis Februarii, anno domini millesimo quingentesimo decimo tertio.

Then follows at the bottom this precept—"I, Mr James Keith, Sheriff-Depute, copied word by word from the principal precept. At Inverugie, the 26th February 1704.

"*Sic subscribitur, JAMES KEITH.*"

In the Register of Sasines this following one is to be seen, viz.—

“ Instrument of Seisin given to Alexander Keyth of Pittendrum, on the lands of Over and Nether Cowtowns, &c. presented by the said Alexander himself the 4th day of December 1626 years.

“ IN DEI NOMINE, AMEN. *Per hoc præsens publicum instrumentum cunctis pateat evidenter, et sit notum, quod anno Incarnationis Dominicæ millesimo sexcentesimo vigesimo sexto, mensis vero Novembris die ejusdem sexto, ac anno regni serenissimi et excellentissimi Principis Caroli, Dei gratia Magnæ Britannicæ, Francicæ, et Hibernicæ Regis, Fideique Defensoris, secundo, in mei notarii publici et testium subscriptorum præsentis, personaliter constitutus comparuit Alexander Keith de Pittendrum, habens et tenens in suis manibus quandam cartam venditionis et alienationis, præceptum Sasinæ in se continen. factam, datam, et subscriptam per nobilem et potentem Comitem Willielmum Comitem Mariscalli, Dominum Keyth, &c. cum consensu et assensu Domine Mariæ Erskin ejus sponsæ, præfato Alexandro Keyth, hæredibus suis et assignatis quibuscunque, de totis et integris terris de Over et Nether Cowtons, cum molendino ejusdem, lie vocat. mylne de Mowtie, terris molendinariis, astrictis multuris, et sequelis earundem solitis et consuetis; totis et integris terris de Aquholie, Rimilzeon, et Smalburne, cum decimis garbalibus in eisdem inclusis, cum domibus, ædificiis, hortis, partibus, pendiculis, et pertinen. jacen. infra parochiam de Fetteresso, et vicecomitatum de Kincardyn: Quam quidem cartam et præceptum Sasinæ in se continen. præfatus Alexander Keyth, probo viro Jacobo Thomson in Woodhead, Balivo in hac parte, in hujusmodi præcepto specialiter constituto, ad manus præsentavit, ipsumque rogavit, quatenus hujusmodi præcepti sasinae procedere dignaretur. Qui quidem balivus ad manus recepit, mihique notario publico subscripto prelegendum, et in vulgari lingua nostra exponendum, tradidit, cujus præcepti, per me perlecti, tenor sequitur sub hac verborum forma, et est talis: INSUPER dilectis nostris Jacobo Thomson in Woodhead, et vestrûm cuilibet conjunctim et divi-*

sim, Ballivis nostris in hac parte specialiter constitutis, salutem. Vobis præcipimus et firmiter mandamus, quatenus, visis præsentibus, indilate statum, sasinam hæreditariam pariter et possessionem realem, corporalem et actuaalem, totarum et præfatarum integrarum de Over et Nether Cowntouns,—præfato Alexandro Keyth—deliberetis.—In cujus rei testimonium, præsentibus, manu Gilberti Reid servitoris Patricii Austean, clerici vicecomitatis de Kincardyn script. manuque nostra subscript. sigillum nostrum est appensum. Apud Fetteresso die mensis quinto Novembris, anno domini millesimo sexcentesimo vigesimo sexto, coram his testibus, Thoma Burnet de Leyis milite, Roberto Keyth, scriba signeto Regis, dictis Patricio Austean, et Joanne Wishart notariis publicis. Sic subscribitur MARSHAL,¹ MARIE ERSKYNE. T. Burnet, witness. Robert Keyth, witness. John Wishart, witness. Post cujus quidem præcepti lecturam et publicationem, præfatus Jacobus Thomson, Ballivus antedict. ad dictas terras de Over et Nether Cowntouns —Alexandro Keyth de Pittendrum—dedit, contulit, et deliberavit, &c. &c. Extracted from the second book of the Particular Register of Sasines, &c. for the shire of Kincardine, now in the Lower Parliament House, by Mr John Murray, one of the Principal Clerks of Session, having commission for that effect from the Lord Clerk Register.

“ Sic subscribitur, JO. MURRAY.”

So the Laird of Pittendrum, having denuded himself by this time of these lands, is now become laird of Cowton, in the shire of Mearns, in the year 1626.

Fourteen months thereafter, this Alexander Keith, formerly of Pittendrum, now of Cowton, enters into contract of marriage with Elizabeth Douglas, a copy of which contract, from the register of the shire of Mearns, is in the possession of Mr Robert Keith, grandson to the said Alexander Keith of Cowton, and may be seen upon demand. The contract begins thus:—

“ At Bridgfoord and Cowie, *respectivè*, the 14th day of January, the year of God 1628 years. It is appointed,

¹ This [Earl] Marischal was the progenitor of the Earls of Kintore.

contracted, and finally agreed in marriage, between the parties following, viz.—Alexander Keith of Cowton, on the one part, and Elizabeth Douglas, lawful daughter to umquhill Mr Gawn Douglas¹ of Easter Barras, on the other part, in manner, form, and effect, as after follows, &c. &c.”

In the month of November 1659, Alexander Keith of Cowton, son of the preceding Alexander Keith, and father of Mr Robert, otherwise Bishop Keith, entered into contract of marriage with Marjory Arbuthnot, daughter of Robert Arbuthnot of Little Fiddes, in the shire of Mearns, by Jean Burnet, daughter of the Laird of Craigmile, and sister to Robert Burnet, well known in the country by the designation of Tutor of Leys. The principal contract is in the present possession of the said Mr Robert Keith, their youngest child.²

In the year of Christ 1672, the same Alexander Keith of Cowton denuded himself of these lands,³ and purchased the lands of Uras, in the parish of Dunnotar and shire of Kincardine, and having a mind to infest his wife, Marjory Arbuthnot, in a part of his new purchase, in lieu, as he says, of her renunciation of her liferent out of the lands of Cowntown, he titles himself in the precept of sasine, *Me Alexander Keith now of Uras*. And this original paper, together with the actual sasine itself, are in the custody of

¹ This Gawn Douglas was a son of that Laird of Glenbervy who became Earl of Angus about the year 1588, and by this marriage Mr Robert Keith and his nephew have the honour to be related to the Dukes of Douglas and Hamilton, and to all the branches of these most honourable Families since that marriage.

² And by this marriage their posterity are related to all the Arbuthnots and Burnets in the shire of Mearns.

³ The ground or occasion of this hasty denudation did not proceed from a squandering temper in my father, but from his having enlisted himself a volunteer in that expedition under King CHARLES II., which ended in the unfortunate battle of Worcester, whilst a mere stripling only of about eighteen years of age, and although he had the good fortune to escape out of prison by the means and contrivance of two English ladies, yet the difficulties he was exposed to, and the incumbrances which naturally came upon his small estate, during the long continuance of the rebellion, stuck severely to him all his days after, and does stick to his offspring to this day.

Mr Robert Keith, and to both which evidents George Keith of Whiteriggs, the very person from whom Mr Alexander Keith, under clerk, scornfully conjectures Mr Robert Keith to be descended, is a subscribing witness; for this Mr Alexander Keith, through want of knowledge of the places, writes Auchterhouse, a place of note in the shire of Angus, instead of Arthurhouse, the mansion-house of the Laird of Whiteriggs, in the shire of Mearns.

To the preceding evidences, Mr Robert Keith and his young grand-nephew Alexander Keith take the freedom to subjoin the following extract from the Sheriff Books of the county of Kincardine, viz.—

“ At Stonehaven, the 18th day of November 1746 years, in presence of John Young of Stank, Sheriff-Depute of Kincardine, anent the petition given in to the said Sheriff by Alexander Keith, eldest lawful son and heir to the deceased Alexander Keith of Uras, by Elizabeth Jolly, his spouse, who was eldest lawful son and heir to the also deceased Alexander Keith of Uras, by Marjory Nairn, his spouse, who was eldest lawful son and heir to the likewise deceased Alexander Keith of Cowton, by Marjory Arbuthnot his spouse, and who was eldest lawful son and heir to the also deceased ——— Keith of Pittendrum, in the shire of Aberdeen, setting forth: That the petitioner was advised it was necessary for him to prove his propinquity to the said Alexander Keith, his father, grandfather, and great-grandfather (and great-great-grandfather) in case he should have occasion to serve heir to all or any of them, at a time when the old people of the country that could prove the same were dead; craving therefore, that the said Sheriff would take and receive the deposition of such habile and famous witnesses as the petitioner should adduce for proving his propinquity, and that he was nearest and lawful heir to the said deceased Alexander Keith his father, grandfather, and great-grandfather (and great-great-grandfather), to lie *in retentis* for the above purposes, and to have granted warrant to summons the said witnesses to have compeared before the

said Sheriff, as the said petition, subscribed by the said Alexander Keith, bears: Upon which petition the Sheriff-Depute foresaid, on the 4th day of November instant, granted warrant to the Mairs to summons witnesses for proving the petitioner's propinquity to the said deceased Alexander Keith his father, grandfather, and great-grandfather (and great-great-grandfather), to lie *in retentis* for the purposes mentioned in the petition. Likeas, on the 17th day of November, and year foresaid, in presence of the Sheriff-Depute foresaid, compeared the said Alexander Keith, petitioner, and produced an execution of a summons against William Mushat, in Mains of Glenbervie, to that day, and another execution of a summons against James Edward, at Mill of Cowie, John Mowat in Woodhead of Urie, and Alexander Burnet, weaver in Cowie, to the day and date of these presents, all of them to have compeared before the said Sheriff upon the said respective days, to have abiden and answered at the petitioner's instance, and to have born leal and soothfast witnessing, in so far as they knew or should be asked at them, anent the petitioner's propinquity to the said deceased Alexander Keith, his father, grandfather (and great-grandfather, and great-great-grandfather.) In obedience to which summons, the said William Mushat, married man, aged 84 years, or thereby, compeared at this place upon the said 17th day of November instant, in presence of the said Sheriff, and being by him solemnly sworn, purged of partial counsel, and interrogate, deponed—That he knew the said Alexander Keith of Cowton, and Alexander Keiths, elder and younger of Uras, all now deceased, and that he knows Alexander Keith, the petitioner. Deponed, That Alexander Keith the petitioner is eldest lawful son and heir to the deceased Alexander Keith of Uras by Elizabeth Jolly his spouse. Deponed, That the said Alexander Keith of Uras was eldest lawful son and heir to the deceased Alexander Keith, also of Uras, by Marjory Nairn his spouse. Deponed, That the last mentioned Alexander Keith of Uras, was eldest lawful son and heir to the deceased Alexander Keith of Cowton, by Marjory Arbuthnot his second spouse.

Deponed, That the said Alexander Keith of Cowton was said, habite and repute to be the next cadet of the Family of Marischal, in failure of the Family of Kintore. *Causa scientiæ*, he lived all his days in the neighbourhood, and that was the truth, as he should answer to God, and declared he could not write. *Sic subscribitur*, Jo. Young, Geo. Logie, Cls. And siclike at this place, upon the day and date hereof, in presence of the said Sheriff, compeared the said James Edward, widower, aged 88 years or thereby, and the said John Mowat, married man, aged 80 years or thereby, and the said Alexander Burnet, married man, aged 75 years or thereby, who being all solemnly sworn by the said Sheriff, purged of partial counsel, and interrogate, deponed and proved in manner underwritten, viz. the said James Edward deponed, That he knew the said Alexander Keith of Cowton and Alexander Keiths, elder and younger of Uras, all now deceased, and that he knows Alexander Keith the petitioner. Deponed, That Alexander Keith, the petitioner, is eldest lawful son and heir to the deceased Alexander Keith of Uras, by Elizabeth Jolly, his spouse. Deponed, That the said Alexander Keith of Uras was eldest lawful son and heir to the deceased Alexander Keith, also of Uras, by Marjory Nairn his spouse. Deponed, That the last mentioned Alexander Keith of Uras was eldest son and heir to the deceased Alexander Keith of Cowton by Marjory Arbuthnot his second spouse. Deponed, That the said Alexander Keith of Cowton, was said, habite and repute, to be the next heir to the Family of Marischal, failing the Family of Kintore. *Causa scientiæ*, he was servant to the said Alexander Keith of Cowton, and has lived in the neighbourhood all his time, and that was the truth, as he should answer to God, and declared he could not write. *Sic subscribitur*, Jo. Young, Geo. Logie, Cls. *Item*, The said John Mowat deponed, That he knew the said Alexander Keith of Cowton, and Alexander Keiths elder and younger of Uras, all now deceased ; and that he knows Alexander Keith the petitioner. Deponed, That Alexander Keith, the petitioner, is eldest lawful son and heir to the deceased Alexander Keith

of Uras, by Elizabeth Jolly his spouse. Deponed, That the said Alexander Keith of Uras, was eldest lawful son and heir to the deceased Alexander Keith also of Uras, by Marjory Nairn his spouse. Deponed, That the last mentioned Alexander Keith of Uras, was eldest lawful son and heir to the deceased Alexander Keith of Cowton, by Marjory Arbuthnot his second spouse. Deponed, That the said Alexander Keith of Cowton was said, habite and repute to be the eldest lawful son and heir to the deceased ——— Keith of Pittendrum, in the shire of Aberdeen, and as such was nearest heir to the Family of Marischal, failing the Family of Kintore. *Causa scientiæ*, he lived in the neighbourhood all his time, and that was the truth, as he should answer to God, and declared he could not write. *Sic subscribitur*, Jo. Young, Geo. Logie, Cls. *Item*, The said Alexander Burnet deponed, That he knew the said Alexander Keith of Cowton, and Alexander Keiths, elder and younger of Uras, all now deceased, and that he knows Alexander Keith the petitioner. Deponed, That Alexander Keith the petitioner is eldest lawful son and heir to the deceased Alexander Keith of Uras, by Elizabeth Jolly his spouse. Deponed, That the said Alexander Keith of Uras, was eldest lawful son and heir to the deceased Alexander Keith also of Uras, by Marjory Nairn his spouse. Deponed, That the last mentioned Alexander Keith of Uras, was eldest lawful son and heir to the deceased Alexander Keith of Cowton, by Marjory Arbuthnot his second spouse. Deponed, That the said Alexander Keith of Cowton was said habite and repute to be eldest lawful son and heir to the deceased ——— Keith of Pittendrum, in the shire of Aberdeen, and as such was nearest heir to the family of Marischal, failing the family of Kintore. *Causa scientiæ*, he lived all his time in the neighbourhood, and that was the truth, as he should answer to God. *Sic subscribitur*, ALEXANDER BURNET, JO. YOUNG, GEO. LOGIE, Cls. Extracted on this and the preceding pages, by GEO. LOGIE.

And now, upon the whole, Mr Robert Keith presumes to

think, that in the opinion of every indifferent person he has sufficiently vouched the birth and descent both of himself and of his young nephew, against the gross misrepresentation and injurious aspersion of Mr Alexander Keith, younger of Ravelston; and, in particular, that the said Mr Robert *has not been the first who set abroad the surmise, that he and his young nephew are the immediate direct descendents of Alexander Keith, son to the Earl Marischal*, who got from his father the lands of Pittendrum. Mr Robert has traced the same surmise to have gone abroad in the world for near a hundred years bygone; and until Mr Alexander Keith, younger of Ravelston, shall produce stronger evidences in his own favour, for being the first or the only branch of the Laird of Pittendrum, which is the point he drives at, he must excuse my grand-nephew and me to persist in the opinion which we find has prevailed for so many years back; but when he can produce better vouchers for himself, we are most ready and willing to give him the right hand. When Mr Robert Keith came first to settle in the city of Edinburgh he inquired at Mr Alexander Keith, Extracter, now of Ravelston, of what particular family he was? To which he replied, that for his part he knew not; but that they supposed he was of the people of Pittendrum. Then, said Mr Robert, *You and I are cousins*. Four or five years thereafter Mr Nisbet, the genealogist, being employed in gathering what helps he could for his intended Appendix to his Book of Heraldry, asked Mr Robert Keith, what assistance he could give as to the MARISCHAL FAMILY? Mr Keith left him to make the best he could of the former accounts of that Noble Family, excepting only that he furnished Mr Nisbet with three lines on page 6th of that Appendix, as it is now printed.¹

¹ [The "three lines" specified by Bishop Keith occurs, as he states, in Nisbet's "System of Heraldry," vol. ii. folio, Edinburgh, 1742, Appendix, p. 6. The reference is to William second Earl Marischal, who married Elizabeth, daughter of Alexander first Earl of Huntly, by whom he had several children, one of whom, named Alexander Keith, obtained a charter of the lands of Pittendrum in 1513; and "of him," says the Bishop, in the "three lines" which he furnished to Nisbet, are lineally descended Alexander Keith, late Sheriff-Depute of the Mearns, Mr Robert Keith,

Several years after this, Mr Alexander Keith, younger of Ravelston, having made insinuation to Mr Robert Keith that his own father and he were the representatives of the Lairds of Pittendrum, and Mr Robert having inquired what evidence he had for that, Mr Alexander replied, that this was vouched by a passage in Mr Nisbet's Heraldry. Very good," said Mr Robert, "that passage which you mean was put into the Heraldry by me, merely upon the authority of a conference between your father and me;" and so Mr Robert narrated the story to Mr Alexander. By the bye, Mr Alexander Keith, the Clerk, believed always that Mr Robert was author of the Genealogy of the MARISCHAL FAMILY printed in Mr Nisbet's Appendix, until lately that I told him the contrary.

At an after conversation between Mr Alexander Keith, younger, and Mr Robert, the said Mr Alexander supported his pretension of being the elder branch, by his father's having been born, as he said, within the house of Pittendrum. But as Mr Alexander Keith, elder of Ravelston, is not yet eighty years old to this day, it is evident that his birth is near fifty years posterior to the old possessor of Pittendrum, his being denuded of these lands. And therefore old Mr Alexander Keith, his being born within the walls of that mansion-house, poor as it is at this day, can be no authority for his being the representative of a Family denuded of their estate so many years before. The father of Mr Alexander Keith elder, now of Ravelston, might have been a tenant on that estate; and I know well, that the title of the present Alexander Keith, elder of Ravelston, and his father's title likewise, was Camculter; but I suppose neither the father nor the son ever pretended to bear the title of Laird of Pittendrum, as Mr Robert Keith's grandfather is designed at the time that he purchased the lands of Cowton, in the year 1626. If Mr Keith the clerk's grandfather, had been in the possession of the lands of Pittendrum so lately as the birth of Alexander Keith, elder of Ravelston, minister of the gospel, presently residing in Edinburgh, and Alexander Keith, writer there."—E.]

in a continued series downward since the year 1513, it will be an easy matter for him to make out his pretension ; but Mr Robert Keith and his nephew are suspicious that Mr Alexander Keith the clerk is the first, who (together with his new conquest, to use his own words with a little variation) has endeavoured to set this surmise abroad in the world.

Mr Robert Keith hopes that all his friends, and every unprejudiced person into whose hands this paper may chance to fall (for he has only printed some few copies to be privately given away), will have him excused for vindicating his own and nephew's birth ; for although he himself, now in the close of the 70th year of his age, and having only one daughter, might be pretty indifferent about any thing of this nature ; yet he suspects that his young grand-nephews, (for there are no less than three of them, Alexander, Robert, and John), when they come of age, might reproach the memory of their uncle, and justly perhaps, for his not endeavouring to set their birth at rights against so flagrant an attack, seeing the one was capable, and the others might not have the same means of knowing, or the same abilities to perform it.

THE following Note illustrative of Bishop Keith's conclusive and undeniable refutation of the claims of the Keiths of Ravelstone, was kindly communicated by John Riddell, Esq. Advocate, and is an appropriate conclusion to our venerable Historian's able "VINDICATION" of himself and his "young grand-nephew Alexander Keith," from the "Unfriendly Representation of Mr Alexander Keith, junior of Ravelston."

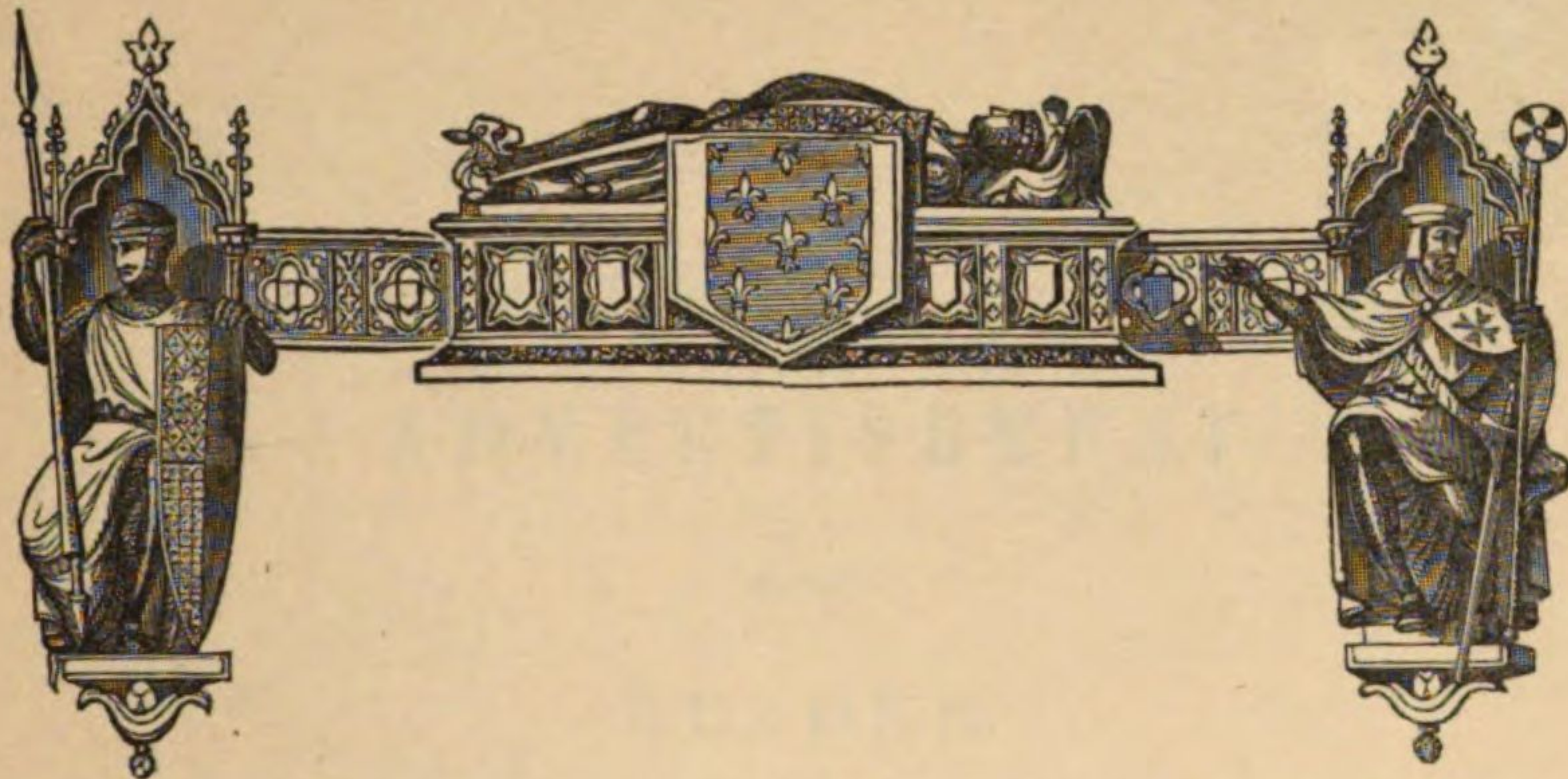
"BISHOP KEITH's statement of the Keiths of Ravelstone not being of his stock of Pittendrum is corroborated by the General Service, September 24, 1782, of George Keith of Northfield as *heir-male* of Sir Robert Keith, Great Marischal of Scotland, *patris atavi tritavi*. It will be found in the

Register of Retours, and is conclusive as to the male extinction of the branch of Pittendrum and their cadets, because the Keiths of Northfield were much remoter in descent than the latter, only springing from the Marischal Family before 1400, while Pittendrum came off as recently as the reign of James IV. Neither did the retour of Northfield pass without due inquiry and deliberation, and it never was contested either in 1782, or afterwards by the Keiths of Ravelstone, though it could have been so, nay, at once rescinded, if their pedigree only vamped up in modern times, and foisted into that very secondary performance, DOUGLAS' BARONAGE (p. 589, 590) had been true. What is more : the heir-female of Lady Clementina Elphinstone, the heir-female of the Marischal Family, took the advice of Counsel if she might oppose the Northfield service in 1782, but no such step, or any opposition, was attempted by the Ravelstone family, who sufficiently coveted ancestry. There is no proof of William Keith, alleged ancestor of Ravelstone, stated to have had Camculter, being, as set forth in DOUGLAS' BARONAGE (p. 589, 590), younger brother of Alexander Keith of Pittendrum in the Reign of James VI."

THE Editor considered the reprinting of Bishop Keith's Dedication of his "History" to the celebrated Lady Jane Douglas, necessary. It is followed by the Bishop's Preface, to which he has appended several valuable documents, and introduced some emendations of the Work. The former, it will be seen, are of great interest. They contain original narratives of Queen Mary's illness at Craigmillar, the quarrel between her and Lord Darnley, the baptism of James VI., Queen Mary's own account of the murder of Lord Darnley, Archbishop Beaton's candid reply to her Letter, &c. The emendations of Books II. and III. are inserted in their proper place in the present Edition.

J. P. L.

EDINBURGH, *October* 1844.



TO THE

RIGHT HONOURABLE THE LADY JANE DOUGLAS,

ONLY DAUGHTER OF THE LATE

JAMES MARQUIS OF DOUGLAS,

AND SISTER OF

ARCHIBALD,

THE PRESENT MOST NOBLE HEAD OF THAT RENOWNED HOUSE ;

THIS FOLLOWING

HISTORY OF THE AFFAIRS CIVIL AND ECCLESIASTICAL IN SCOTLAND,

IS,

UPON ACCOUNT OF HER LADYSHIP'S ILLUSTRIOUS DESCENT

AND

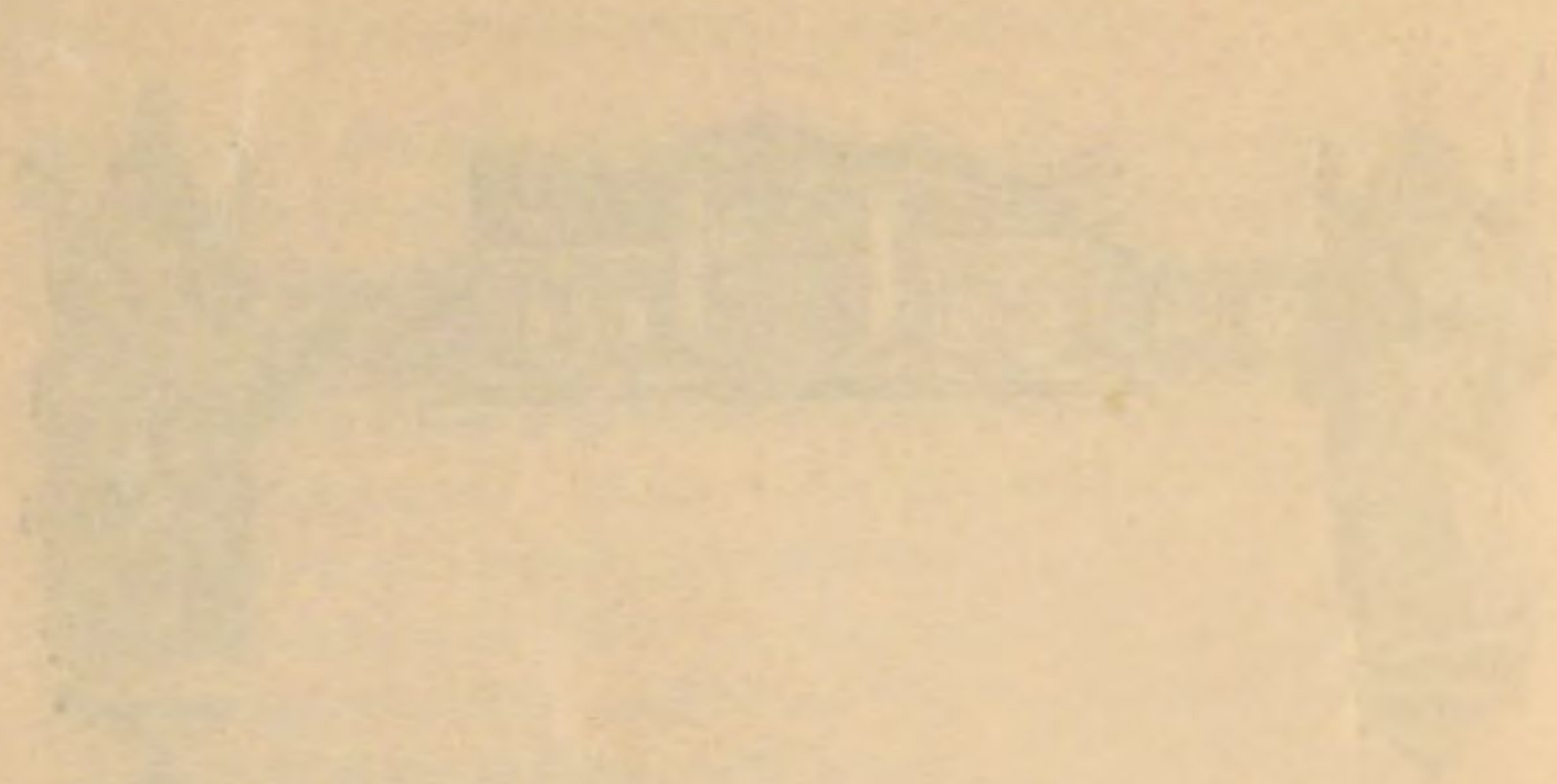
PERSONAL MERIT

WITH GREAT REGARD INSCRIBED,

BY HER

LADYSHIP'S MOST RESPECTFUL AND MOST HUMBLE SERVANT,

ROBERT KEITH.



[The following text is extremely faint and illegible due to the quality of the scan. It appears to be a single paragraph of text, possibly a letter or a report, with several lines of writing.]

[The following text is also extremely faint and illegible, appearing to be a closing or signature area.]

ADVERTISEMENT

TO THE

READER.



AS the first design of the Compiler of these HISTORICAL TRANSACTIONS was to proceed upon a firm and solid foundation in collecting them together, he has carefully made it his business to support them all along by the faith of the public Records of the Nation, the Letters and Negotiations of Princes and State-Ministers, and of other the like unquestionable vouchers.

In the management, however, of this Collection, the Author is sensible there are some things for which he has need to bespeak the favour of the readers. And the first is, the plain freedom he has taken to censure the *defects* and *misrepresentations* of former Historians. Some persons may possibly think, it had been sufficient for him to have set the particular facts in their true light by the forementioned Authorities, without taking further notice at all of what other writers had narrated concerning the same facts, but leaving the readers to form their own observations of the sincerity or insincerity, the accuracy or inaccuracy, of those that have written before him. This method, it is readily acknowledged, might do well, if all, or the greatest part of those that read History, were of a capacity to form observations by themselves, to discern the intention of the writers, the tendency of their narrations, or their accidental errors only, and undesigning mistakes. But since this is known not to be the case with every reader, it was thought not improper to cast in some cursory *Observations* for the benefit of the generality, though still without any affectation to impose them on persons of a better discernment, whose candid reception and

interpretation of these sort of Observations is humbly and earnestly entreated. And as to the other *Remarks* and *Notes* that are of a critical nature, and serve only for the clearing such things as were dark, or not so universally known, the reconciling of seeming contradictions, the adjusting of times, or the illustrating any intervening occurrences ; for these it is hoped the Author shall incur neither censure nor displeasure.

Another thing in the management of this Work the Compiler thinks himself obliged to mention, relates to the many Original Acts, Letters, &c. inserted in this Collection at the just length. If the first intention of affording a well supported History of this Nation be kept in view, it will appear evident that several original Papers *must* have been transcribed into it ; and yet if *all* of that kind should be inserted, the Book must have come out to an unsizeable bulk, and the readers been nauseated by running over such a vast number of them. It being necessary therefore to insert *some* Papers, and of *others* to give the abstracts only, what choice was to be made herein, and likewise which of the Papers were to enter the body of the Book, and which of them to go into the APPENDIX, was matter of no small consideration to determine ; since it was easy to foresee, that whatever might appear proper to the Compiler might appear not so to another person. In this great uncertainty, all he can say for himself is, that he has done what seemed most eligible to him at the time, but declares withal that he is by no means obstinate in vindicating the choice he has made.

With respect to these original Papers, it will be observed that several of them are not transcribed after the old orthography and phrase ; but whatever complaint may be made of this, certain it is, that this omission could not have been remedied without such an addition of expences as the undertaking was not able to have born, the transcribing in the old manner of writing being as chargeable very near as the copying from an unknown language. And this expence must likewise have risen to a greater degree, in so far as most of all the Papers that regard this Nation about this period of time, are not now to be found within the same, but in the Kingdom of England. It is indeed true, that the Faculty of Advocates have in their fine Library at Edinburgh a tole-

rably good Collection of Papers relating to this same period, transcribed from the Cotton Library in England;¹ yet still it is greatly to be wished that this very learned and communicative Body would provide themselves with a more large and exact transumpt of all the Scottish Papers to be found there, since this would not only become a shining ornament to their Library, but be of great use also for furnishing out a true and certain account of the transactions of our Nation.

The last and truly the principal thing of all for which the Author is sensible he has very great need to pray the favour of his readers, is the not ranging all the particular facts, and every voucher of the facts, in their due and proper places. Had this Work been kept up for a longer space, he would surely have taken care to dispose the materials in their true situation; but as the time projected at first for the publication of it was already much elapsed, through the loss or falling by of some Records of the Privy Council, and sundry materials having come to hand after there was ground given to look for no more, the Author found himself under a necessity either to suppress these Memorials altogether, and so leave some facts untouched at all, and others but too imperfectly cleared up, or else to insert these still welcome Memorials in such places as could then be most conveniently got done. But besides all this, the Author makes ingenuous acknowledgment also, that upon re-considering the Work, after some part of it had been printed off, he observed that several things might be added to it; and these he thought far better to throw in after the best manner he could, rather than allow the Book to go abroad under any known imperfections, or to have published afterwards these Additions and Memorials apart by themselves, or with such others as might hereafter cast up, as indeed it may be expected that several new Memorials may still be discovered. And therefore on both these accounts, with great deference the Author supplicates a favourable acceptation of this disorder; and it is under the protection of this safe-guard alone that he ventures to offer even *here* to his readers some Papers which he supposes they would not wish to be deprived of, notwithstanding they did not arrive timeously enough to be disposed in any other place.

¹ [In the British Museum.—E.]

These are the things of which it was judged proper to advertise the readers. As to the common apologies for the want of language and style, nothing of that kind is here intended to be made ; for though the Author perceives already some words and expressions that might have been put in another dress, yet if truth, reason, and perspicuity be found here, it is believed the readers will be well pleased, and that other disadvantages will be easily overlooked. And as the discovery of truth will always be of use to mankind, so the animadverting and correcting any mistakes that may lurk in this Work, shall be agreeable to no body more than to the Compiler and Publisher hereof.

Extract¹ of a Letter from Mons. le Croc, the French Ambassador in Scotland, to the Archbishop of Glasgow, dated at Edinburgh, 2d December 1566.²

“ — THE Queen is for the present at Craigmillar, about a league distant from this city. She is in the hands of the physicians, and I do assure you is not at all well ; and do believe the principal part of her disease to consist in a deep grief and sorrow. Nor does it seem possible to make her forget the same. Still she repeats these words, *I could wish to be dead*. You know very well that the injury she has received is exceeding great, and her Majesty will never forget it. The King her husband came to visit her at Jedburgh the very day after Captain Hay went away. He remained there but one single night ; and yet in that short time I had a great deal of conversation with him. He returned to see the Queen about five or six days ago ; and the day before yesterday he sent word to desire me to speak with him half a league from this, which I complied with, and found that things go still worse and worse. I think he intends to go away to-morrow ; but in any event I'm much assured, as I always have been, that he won't be present at the Baptism. To speak my mind freely to you, but I beg you not to disclose what I say in any

¹ This and the next Letter are translated from the French, which, together with all the other Letters, &c. of that language contained in this History, shall be deposited in the Lawyers' [Advocates'] Library, Edinburgh.

² Mem. Scot. tom. ii. F. 320, Coll. Scot. Par.

place that may turn to my prejudice, I do not expect, upon several accounts, any good understanding between them, unless God effectually put to his hand. I shall only name two. The first is, the King will never humble himself as he ought; the other is, the Queen can't perceive any one Nobleman speaking with the King, but presently she suspects some contrivance among them."—(The rest of this letter is concerning his appointments and personal concerns; and he only adds)—“The Queen reckons to be going to Stirling five or six days hence; and the baptism is appointed to be on the 12th of this month.”

*Extract of a Letter from Mons. le Croc, the French Ambassador in Scotland, to the Archbishop of Glasgow.*¹

“——THE Baptism of the Prince was performed Tuesday² last, when he got the name of Charles-James. It was the Queen's pleasure that he should bear the name James, together with that of Charles (the King of France's name), because, said she, all the good Kings of Scotland his predecessors, who have been most devoted to the crown of France, were called by the name of James. Every thing at this solemnity was done according to the Form of the holy Roman Catholick Church.—The King (Lord Darnley) had still given out, that he would depart two days before the Baptism; but when the time came on he made no sign of removing at all, only he still kept close within his own apartment. The very day of the Baptism he sent three several times desiring me either to come and see him, or to appoint him an hour that he might come to me in my lodgings; so that I found myself obliged at last to signify to him, that seeing he was in no good correspondence with the Queen, I had it in charge from the most Christian King to have no conference with him; and I caused tell him likewise, that as it would not be very proper for him to come to my lodgings, because there was such a

¹ Mem. Scot. tom. ii. F. 336.

² This was the 17th day of the month, so that I was led into the mistake of fixing this solemnity to the 15th day by the Proclamation emitted on the 14th, which I reckoned to have been precisely the day before the Baptism, especially since Archbishop Spottiswood gives the 15th for the day; but this sure Instruction contained in this Letter, by naming the day of the week, is an undoubted testimony for Mr Knox, who relates that the Prince was baptized on the 17th of December.

crowd of company there, so he might know that there were two passages to it, and if he should enter by the one, I would be constrained to go out by the other. His bad deportment is incurable, nor can there be ever any good expected from him, for several reasons, which I might tell you, was I present with you. I can't pretend to foretell how all may turn; but I will say, that matters can't subsist long as they are, without being accompanied with sundry bad consequences."—(This is all he says concerning the King. He next gives an account of his being obliged to supply the place of the Ambassador of Savoy, who was not yet arrived, and speaks of his own personal concerns only; and then adds)—“The Queen behaved herself admirably well all the time of the Baptism; and shewed so much earnestness to entertain all the goodly company in the best manner, that this made her forget in a good measure her former ailments. But I am of the mind, however, that she will give us some trouble as yet; nor can I be brought to think otherwise, so long as she continues to be so pensive and melancholy.¹ She sent for me yesterday, and I found her laid on the bed weeping sore; and she complained of a grievous pain in her side. And for a surcharge of evils, it chanced that the day her Majesty set out from Edinburgh for this place, she hurt one of her breasts on the horse, which she told me is now swelled. I am much grieved for the many troubles and vexation she meets with.—From Stirling, this 23d of December 1566.”

Letter of the Earl of Lenox to his son King Henry. Indorsed

“TO THE KINGIS MAJESTIE.”²

“SIR—I have received by my servant Nisbet zour natural and kynd letter, for the which I humblie thank zour Majestie, and as to the contentis therof, I will not trouble zow therein, but referris the same till I wait upon zour Majestie at Peblis,³ which salbe so soon as I may heir the certaintie of zour going thither. And for that the extremitie

¹ *Tant qu'elle sera en ces ennuyes et regrets.*

² Mem. Scot. tom. ii. F. 343, an Original.

³ It seems the King has still inclined to go into Tweeddale about this season. Mr Buchanan has forgot to tell that his Majesty was now to be thrust away thither.

of this stormy weather causes me to dout of zour setting forward so soon on zour journey, therefore I stay till I heir farther from zour Majestie, which I sall humbly beseech zow I may, and I sall not fayle to wayt upon zow accordingly. This committing zour Majestie to the blessing and governance of Almichtie God, who preserve zow in helth, long life and most happy regne. From Glasquo, this 26th day of December [1566.]

“ Zour Majestie’s humble subject and father,

“ MATHEW LEVENAX.”

“ I sall desire zour Majestie to pardon me, in that this Letter is not writtin of my nowne hand, for trewlie at the writting heirof, a paine which I have in my shoulder and arme is the cause therof.”

*Letter of Queen Mary to the Archbishop of Glasgow, her Ambassador in France.*¹

“ MAIST Reverend Fadir in God, and traist Counsalar, We greit zow weill. Ze remember we wrait to zow at the returning of Monsieur le Comte de Briene, the Kingis Ambassador, at the baptisme of our dearest sone, amang utheris materis, that in our name ze suld sutt the Scottis Companie of Men of Armes to be relyfted and taken up agane in favoris of our sone, and he to be appoyntit and namit Captane thairof. For we beleve that the like is already grantit, or schortlie to be given to the Duke of Savoyis sone ; in respect quhairof we think with zourselb it sall not presently be denyit to us, throw zour earnest travell and sollicitatioun, quhilk we pray zow spair not effectualy to use unto this end and purpois, and thairupon report us sum formal and resolut answer, quhilk we will luke for. This far ze may tak on hand and promys, that we sall appoynt ane Nobleman to be Lieutenant, quha sall weill eneuch content the King and all utheris quhilkis in that poynt requiris satisfactioun. Quhairof presentlie we thocht convenient to wrait to zow, that ze micht be the better rememberit and certifiēt of our earnest desyre to have this mater brocht to pas. With this alsua thair is ane uther mater that we man signify unto

¹ Mem. Scot. tom. iii. F. 4, in the Queen’s hand.

zow. Lately a servand of zouris, namit William Walcar, came to our presens, being for the tyme at Sterveling, and in his communicatioun amangis utheris thingis declarit to us, how it was not only oppinly bruted, bot alsua he had hard be report of personis quhome he esteimit luffaris of us, that the King, be the assistance of sum of our Nobilitie, suld tak the Prince our sone and crown him; and being crownit, as his fader suld tak upon him the Government; with sundrie utheris attemptatis and purposis tending to this fyne. At the heir-ing quhairof, ze may think weill we mervellit not a litle; and seing the mater of sic importance, culd not bot insist to have farther knowlege of the speikaris and authoris, to the effect that we micht better understand the grund and fontane quhairof it procedit. With the quhilk he being pressit, nominat William Hiegait in Glasquo, alsua zour servand, for his cheif author, quha, he said, had communicat the matter to him, as apperyt, of mynd to gratefie us; sayand to Walcar, Gif I had the moyen and crydet with the Quenis Majestie that ze have, I wald not omitt to mak hir previe of sic purpossis and bruitis that passis in the cuntrie. Heigait said further, as Walcar reportit to us, that the King culd not content nor beir with sum of the Noblemen that war attending in our Court, bot othir he or thay behuvit to leif the samyn. Quhairupon we take occasion with diligence to send for Heigait, quha being inquirit in our Counsell of his communicatioun had with Walcar in this behalf, he denyit alsweill apairt, as being confrontit togidder, that evir he talkit with the said Walcar upon ony sic purpossis. Onlie this far he confessit, that he hard of a bruit how the King suld be putt in ward; and for his author in that poynt, namit a servand of the Erle of Eglintonis callit Cauldwell; quha being alsua sent for and examinat, expressitlie denyit that evir he spak or entrit in sic termis with William Hiegait. This purpois of the bruit of the Kingis warding wes schewen be Hiegait to the Laird of Mynto, quha agane declarit it to the Erle of Lenox, and be him the King was maid participant thair of: by quhais desyre and commandement Hiegait agane, as he allegeit, spak Cauldwell. Bot in fyne, amangis thame all, we fynd na maner of concordance, every ane disagreeing on the haill purpossis spoken: Quhilk movit us to say to the twa that we tak for zour servandis, that we war

assurit thay had in thair proceeding and speiking, besides our offence, heichlie offendit zow thair maister, quhome we war assurit to be sa far ouris, and affectionatly inclynit to our service and advancement, that ze wald be very evill content of thair rasch behavior, and repres and disallow sic groundles purpossis, tending to our inquietatioun and disadvantage, and troubling of the tranquillitie of the cuntrie, quhilk our study is to maintaine and retene in sic integrity as possible may be. And for the King our husband, God knawis alwayis our part towartis him; and his behaviour and thankfulnes to us is semblablement well knawin to God and the warld; specialie our awin indifferent subjectis seis it, and in thair hartis, we doubt not, condemnis the samyne.¹ *Alwayis we persave him occupeit and bissy enuch to haif inquisitioun of our doyngis, quhilkis, God willing, sall ay be sic as nane sall haif occasioun to be offendit with thame, or to report of us ang wayis bot honorably; howsoever he, his father and thair fautoris speik, quhilkis we knaw want na gude will to mak us haif ado, gif thair power wer equivalent to thair myndis. Bot God moderatis thair forces well aneuch, and takis the moyen of executioun of thair pretensis fra thame: For, as we believe, thay sall find nane, or verray few approveris of thair counsalis and devysis imaginitt to our displesor or mislyking. And thus committis zow to the protection of God. At Edinburgh the 20th day of January 1566-7.*

“ Your richt guid Mestres and freind,

“ MARIE R.”

Nota.—The Archbishop, in answer to this, abandons his servants to be tried by justice.

Letter of Queen Mary to the Archbishop of Glasgow, her Ambassador.²

“ MAIST Reverend Fader in God, and traist Counselor, we greit ze weill: We have recevit this morning zour Letteris of the 27th Januar by zour servand Robert Dury, containing in ane part sic advertisement as we find by effect over true, albeit the succes has not altogether been sic as the

¹ Compare this with the accounts that Buchanan gives of the open scandalous carriage of Queen Mary about this time.

² Mem. Scot. tom. iii. F. 4, an Original.

authoris of that mischievous fact had preconcevit in thair mind, and had put it in executioun, gif God in his mercy had not preservit us, and reservit us, as we traist, to the end that we may tak a rigorous vengeance of that mischievous deid, quhilk or it sould remain unpunischit, we had rather loss life and all. The matter is horrible and sa strange as we believe the like was never hard of in ony country. This night past being the 9th February, a litle after twa houris after midnight, the house quhairin the King was logit was in ane instant blawin in the air, he lyand sleipand in his bed, with sic a vehemencie, that of the haill loging, wallis, and other, thare is nathing remanit, na, not a stane above another, bot all other (*either*) carreit far away, or dung in dross to the very grund-stane. It mon be done be force of powder, and apperis to have been a myne. Be quhom it has been done, or in quhat maner, it apperis not as zit. We doubt not bot according to the diligence oure Counsal hes begun alreddie to use, the certainty of all salbe usit schortly; and the same being discoverit, quhilk we watt God will never suffer to ly hid, we hope to punisch the same with sic rigor as sall serve for exemple of this crueltie to all ages to cum. Allwayes quha ever have taken this wicked interprys in hand, we assure ourself it wes dressit alsweill for us as for the King; for we lay the maist part of all the last oulk in that same loging, and wes thair accompanyit with the maist part of the Lordis that are in this town that same night at midnight, and of every chance taryit not all night, be reason of sum mask in the Abbaye; bot we believe it wes not chance, bot God that put it in our hede. We depeschit this berair upon the sudden, and thairfor wraitis to zow the mair schortlie. The rest of zour Letter we sall answer at mair lasor within four or five dayis by zour aine (*own*) servand. And sua for the present committis zow to Allmightie God. At Edinburgh, the 11th day of Februar 1556-7.

“ MARIE R.”

Note.—The Letter which is here mentioned to be sent by Robert Dury, is taken notice of in the “ Martyre de la Reine d’Ecosse,” p. 215 of the new edition by Jebb, and the Original Minute in the Archbishop’s hand is still extant, tom. iii. Mem. Scot. f. 9 and 10. And for the better satisfaction of

the readers, I have here added a just extract of the Advertisement sent at this time to the Queen. The Archbishop, after writing to her Majesty upon several other heads, says thus :—

“ For nane of the heids precedent thocht I to have depeschit expresslie towards zour Majestie, gif be the Ambassador of Spaine I had not been requirit thairto, and specialie to advertise zow to tak heid to yourself. I have hard sum murmuring in lykewise be others, that there be sum surprise to be traffickit in zour contrare, but he wald never lat me knaw of na particular, onlie assurit me he had writtin to his master to knaw gif be that way he can try ony farther, and that he was advertisit and counselit to cause me haste towards zow herewith. Forder in this instance, and at his desire partly, I spake earnestlie to knaw at the Quene-Moder, gif sche had hard ony discourse or advertisement latlie, tending to zour hurt or disadvantage, but I cam na speid, nor wald sche confes that sche had gotten nor hard ony sic apperance, and that baithe the Comte of Bryen, and sensyne the Ambassador la Forrest, have assurit that zour affairis were at a verie guid point. In lyke maner that Robert Stuart had schawen hir, that ze had forgifin my Lordis of Morton, Rivan, and Lindsay ; swa sche thocht thair was nathing to be fearit, and appreivit greatumlie the reucht and pity ze had of zour awin, and appeirit to be verie content that ze had sa graciouslie treatit thame, quhilk sche esteimit the right way to hald zow at ease, and saw nathing that might stop it, bot gif it war the variencie betwixt zow and the King, quhilk sche desirit God to appaise amang the rest of zour traversis and cummeris ; for it wald be an great mean to compas mair easilie all zour designis and interprysis, and in speciall it wald occasion that Madame of Lennox, quham sche knew weill favorit be an gryt part of the Nobilitie of England, wald concur with zow,” &c.—(And so goes on with advices of Queen-Mother to Queen Mary, and at the end of this Letter he adds)—“ finaly, I wald beseik zour Majestie right humblie to cause the Captanis of zour Gaird be diligent in thair office ; for, notwithstanding that I have na particular occasioun quhairon I desir it, zit can I not be out of feir while I heir of zour novellis. I desyre with all my

heart, gif it sall be zour pleasar, it mot be with the same bearer, (Robert Dury.) And swa I pray the eternall Lord God to preserve zour Majestie from all dangeris, with lang life and guid health. At Paris, the xxvii day of Januar 1567.

*Extract of a Letter of James Beaton, Archbishop of Glasgow, minute in his own hand, to Queen Mary. From Paris the 9th March 1567.*¹

——² “THE second head of my last depesche was the discourse schortlie of the horrible mischievous and strange interprize and executioun done contrar the Kingis Majestie, quha be craft of men has sa violently been schortet of his dayis. Of this deed give I wald writ all that is spoken heir, namely of the miserable state of that Realm, and also in Ingland, by the dishonor of the Nobilitie, mistrest and treason of zour haill subjectis, zea that zourselb is gretumlie and wrangouslie calumnit to be the motif principal of the haill, and all done be zour command; I can conclude nathing, by quhat zour Majestie writis to me zourselb, that sen it hes pleasit God to conserve zow to take a rigorous vengeance therof, that rather than it be not actualy taine, it appears to me better in this world that ze had lost life and all. I ask zour Majestie pardon that I writ so far, for I can heir nathing to zour prejudice but I man³ constraindly writ the samin, that all may come to zour knowlege, for the better remede may be put therto. Heir it is needfull that ze forth schaw now rather than ever of before, the greite vertue, magnanimitie, and constance that God has grantit zow, be quhais grace I hope ze sall overcome this most heavie envie and displeasir of the committing therof, and conserve that reputatioun in all godlynes ze have conquist of lang, quhich can appear nawayis mair clearlie, than that zow doe sick justice as the haill world may declare zour innocence, and give testimony for ever of thair treason that has committed, but⁴ fear of God or man, so cruell and

¹ Mem. Scot. tom. iii, F. 26.

² The beginning and end of this letter are about other matters and affairs of France. If the other Bishops and great men, who wished well to the Queen, and were then about her in Scotland, had spoken this language to her Majesty, things had probably taken another turn.

³ Must.

⁴ [Without.—E.]

ungodlie a murther, quhairof thair is sa meikle ill spoken, that I am constrainit to ask zow mercie, that neither can I or will I make the rehearsal therof, quhilk is ovr¹ odious. But alas, Madam ! over all Europe this day there is na purpose in head sa frequent as of zour Majestie, and of the present state of zour Realm, quhilk is in the most part interpretit sinisterly. Zit is not the hand of God and His mighty power schort, but be His comfort and help, imploring truly the samin, and serving Him with all zour heart, ze may have sick consolatioun be Him, that ze sall be able to remove that is to zour Majestie's harm or disadvantage, and establisch that reputatioun that hithertills the haill warld has conceivit of zour vertue. And I beseek zour Majestie right humblie cast heir the fundament of zour relief, and all the rest of zour desires sall come to pass to zour contentment and honour ; otherwise I fear this to be the beginning and first act of the tragedy, quhilk I pray God of his infinit goodnes to avoid. Thirdly, Be Dolu it hes plesit zour Majestie to write to me, &c."

" Order of the Lords for bringing in some of the Queen's Plate to be cuinzied.²

"THE Lordis understanding that thair is sum silver-werk of the Quenis Majestie in the handis of hir French officeris, quhich necessarlie man be cunzied, als weill for outridding of sum sumis of money awand to the said Frenchmen, als for furthsetting of other hir Hienes service, and in speciall in the handis of Servais de Conde, valet de chambre, an nef of silver over-gilt, twa coupis with thair coveris over-gilt, twa flasketis over-gilt, twa gryt coupis over-gilt, an bell over-gilt, an chalice and platine over-guilt, twa peces³ over-guilt, an cross over-guilt in the bordis, twa chopinettis over-guilt in the bordis, twa gryt basinis over-guilt in the bordis, sex goblettis, an covering, and twa feit of coppis, extending to threescore fourteen markis. Therefor ordainis, commandis, and chargeis the said Servais to deliver the peicis of silver-werk above specifiet, being in his handis, to Johne Achesoun, hir Majesties cunzior, to be cunzieit be him to the effect

¹ Too.

² Mem. Scot. tom. iii. F. 143.

³ Instruments for giving the *Pax* at Mass.

above mentionit. Subscryvit at Edinburgh, the x. day of Julij 1567. ATHOLE, MORTOUN, SIR JAMES BALFOUR, ROBERT THESAURER, CRAIGMILLAR."

Order of the Lords to Servais de Condý to deliver up the Regalia.¹

"SERVAIS DE CONDÝ, forswameikle as it hes pleisit the Quenis Majestie to give commissioun and commandement to crown hir dearest sone the Prince, to the quhilk ceremonie it is convenient to have the Crown, Sceptar, and Sword Royall of this Realme; thairfor zow sall incontinent, after the sight heirof, put the saidis Crown, Sceptar, and Sword before us, to the effect above written: Keipand this presentis for zour warrand. Subscryvit with our handis at Edinburgh the xxv. day of Julij 1567. ATHOLE, MORTOUN, MAR, J. GRAHAME, W. RUTHVEN, ALEX. HOME, SANQUHAR, SYMPYL."

N.B.—There are in the same Repository Minutes of Letters from the Archbishop of Glasgow to the Queen, from the 23d June 1567 till the 10th October 1568, all written by the Archbishop himself, but scarcely legible now in many places. By these I have to advertise here, as an addition [to a passage in Chapter XII. Book II.], that the Earl of Moray was dismissed in the month of June out of France to Scotland, upon solemn assurances that he would employ all his interest and friends for the relief of the Queen: That at parting, the King of France told him, that he would venture his Crown to revenge any hurt done to her person: That the Earl's asseverations were trusted by the French Court; but the Archbishop having received information of his dealing underhand with the Queen's enemies, order was sent to stop the Earl at Dieppe; but he was got off for England before the order arrived.

To p. 51²—"REX. We be the tenour of thir presentis giffs

¹ Mem. Scot. tom. iii. F. 143.

² This is an original subscribed with the King's own hand, and the signet in some measure remaining. It belongs to the Right Honourable Mr David Erskine of Dun, one of the Lords of Session and Justiciary. I suppose it is one of those circular letters which our historians say were sent about at this time, though it seems likewise to discover that the King had besides emitted some Proclamations for convening the lieges to

and committis power to our Secretar, and David Lindesay of Adzell, to put ordour to our liegis and tennentis of the Erldome of Crawford, Dun, Brechin, Adzell, and Montross, anent their furthecuming to our army and oist, and to caus the unable personis to mak the coist and furnissing upoun mair able personis that may nocht furnys thameself, to pas for thame in our service to our said army, nochtwithstanding ony our Letteris, Proclamationis, or Chargeis past, that all maner of man cum fordwart to the said oist; and likewise, nochtwithstanding our Commissioun of Justiciary, and letteris past thairupoun, grantit to our Sheref of Forfar and his Deputis, anent the quhilkis we dispens, be thir presentis subscrivit with our hand and under our signete at Edinburgh, the xix day of October, and of our regime the xxxth zer.”

“ JAMES R.”

Item, p. 184, concerning Ecclesiastical Affairs. In the King's Library at Paris is to be seen the only copy extant this day of the three last Provincial Councils of Scotland, holden in the years 1549, 1552, and 1559. It belonged formerly to the late learned and famous Mons. Baluzius, and is incorrectly enough transcribed from the old Scottish language, as having been done by some ordinary French scribe. The title of the Council, ann. 1559, is this—“*Concilium Provinciale Cleri totius Regni Scotiæ indictum et convocatum per reverendissimum in Christo Patrem et Dominum Johannem Sti Andreæ Archiepiscopum, ejusdem Regni Primate, Legatum natum, &c. assistente et consentiente reverendissimo in Christo Patre Jacobo Glasguen. Archiepiscopo, convocatis*

his army. I thought it might not be altogether useless to set down here some of the King's dyets in this last period of his life, which I have taken from the Writs of the Privy Seal. The King is at Edinburgh several different days in October and November; at Falkland, 12th and 20th October, and 12th November; at Linlithgow, 9th November; at Edinburgh again, 5th and 6th days of December; and on the 5th day of December there is a Latin letter by the King at Edinburgh to the Duke of Cleve, but it has neither the King's name nor signet, so it would seem the King had left that place, or was fallen ill by that time. On the 26th day of November there is this remarkable Letter of Escheat— . . . “for being absent and remaining fra our Soverane Lordis oist and army, devisit and ordainit to pas to the Est and South Bordouris of the Realme, for expulsioun of our ald inymeis furth of the saymn, incontrar of his Hienes Letteris and Proclamationis maid thairupoun.”

etiam ac præsentibus utriusque Archiepiscopi reverendis Dominis suffraganeis Episcopis, Vicariis generalibus, Abbatibus, Prioribus, Commendatariis, Decanis, Præpositis, Sacrarum literarum Professoribus, Rectoribus, et aliis Literatis viris Ecclesiasticis, Ecclesiam Scoticanam repræsentantibus, cæptum est Edinburgi in religiosa Domo Dominicanorum (Black-Friars) primo die mensis Martii anno juxta computationem Ecclesiæ Scoticanæ MDLVIII. (1559), et finitum ibidem 10 die mensis Aprilis MDLIX. Et hoc ad dictæ Ecclesiæ Scoticanæ disciplinam recte reformandam, et Domini Gregis salutem promovendam," &c.

I am informed that this copy might be got corrected in a great measure by any person of our nation that has letters, and that it might be put in a condition to make as good a figure to the honour of our country as any of these times the South of Britain could produce; and to shew likewise that all our clergy of these days were not such dunces as Mr Knox has thought fit to represent them, and that it was not the knowledge of Ecclesiastical Canons that was wanting to them, but the practice of the discipline prescribed by the Canons. It is to be hoped that either the Reverend Dr David Wilkins of England will take care to insert these Scottish Councils into the body of British Councils he is about to publish; or that the French gentlemen will insert the same into the Supplement of Father Labbe's Councils, which is shortly to be published by them. And if either the English or French gentlemen shall think it worth their pains, they will find likewise in the Scots College in Paris the original Letter of Convocation from the Primate Hamilton to the Archbishop of Glasgow, this Archbishop's Letter to his Suffragans, and the Vicar-General of Galloway's Letter, *sede vacante*, to the Abbots, Priors, Archdeacons, &c. convoking them to this Council. As also a Remonstrance, perhaps from the Lords of Privy Council, though this is uncertain, to the Prelates assembled in Council towards reforming abuses, &c. in order to preserve the ancient religion.

Item, to p. 274. A list of the subscribers to the Bond 27th April 1560.¹—"James, James Hamilton, Huntlie,

¹ From the Original at Hamilton.

Ard. Argyle, Marischall, Rothes, Morton, Gordon, Henry Stewart, Salton, Lord Couper, Sommervill, William Baillie of Lamington, Jo. Lindsey of Covington, Jo. Erskine, J. Dunbar, Jo. Strachan of Thornton, Wm. Douglas of Bonjeddort, And. Hamilton of Goslington, Jo. Boswell of Auchinleck, Jo. Middleton, Geo. Seaton, Hew Ralston of that Ilk, Jo. Robertson, Walter Wood of Bonyton, James Stewart, Jo. Monteith; Ruthven; R. Lord Boyd; Ogilvie, Ochiltree, Jo. Maxwell, Pat. Lindsey, Jo. Master of Forbes, Pat. Whytlaw of that Ilk, Cessford, Gav. Commendator of Killwinning; Wm. Abbot of Kinlosse; Mark Ker, And. Ker of Fadonsyde, Jo. Gordon of Finlator, Geo. Ker of Linton, Alex. Seaton, younger of Meldrum, Hary Graham, younger of Morphy; Alex. Gordon of Abergeldie, Ro. Arbuthnot of that Ilk, Fairnieherst, Jo. Rutherford of Hunthill, Houstoun of that Ilk, Ja. Cockburn of Ormiston; Wedderburn; Sir Alex. Hume, Pat. Hume of Polwart, Jo. Row, J. Jardin of Aplegirth, Geo. Nisbet of that Ilk, Ja. Hamilton of Garen; Jo. Somervill of Cambusnethen; Falahill; W. Henderson of Fordell; Jo. Stewart; Cunninghamehead; J. Leslie of Balquhain, Geo. Ogilvie, Jo. Innes of that Ilk, Arthur Forbes, William Leslie, younger of Wairdis; Jo. Wishart of Pitarro, Alex. Dunbar of Crumnock, Ja. Halyburton of Pitcur; Tutor of Pitcur; Crachlie; William Douglas of Whytinghame; Frendraught; Balhoussie; Geo. Hume of Spot, Ja. Johnston of Elphinston, Pat. Douglas, Ro. Campbell, And. Johnston, Dav. Hamilton of Fingleton; Ker; Ad. Kirton; And. Moscrop, Provost of Jedburgh; Ad. Flesher, Ro. Carnagie of Kinnaird, John Clark, Wm. Lord Hay of Yester, Jo. Master of Erroll, Hen. Master of Sinclair, Wm. Sinclair of Roslin, Arch. Mackenzie, J. Forrester of Carstorphin, Pat. Hepburn of Waghton, G. Touris of Innerleith, Logan of Restalrigg, Jo. Somervil of Drum; Innerwharitie; Alex. Ogilvie, Ja. Tweedie of Drummelzier; Traquair; Rich. Rutherford; Closeburn; D. Balfour of that Ilk, Hamilton of Briggs, Alex. Hume, Ja. Hamilton, Jo. Blackadder; Lochinvar, Alex. Meinzie of that Ilk, Tho. Meinzie, Seaton of Muirhead, Wm. Hay, Wm. Wishart, Ro. Scot of Bonytoun, Geo. Weir of Blackwood; Cunninghame of Capringtoun, R. *Minister* of Failford, Scot of Horeleuch, Ja. Lockhart of Bar, Geo. Dunda

of that Ilk, Al. Stewart of Garleis, Jo. Melvine of Carnbie, Jo. Macleod of Assint, Ja. Lockhart of Cleghorn, Dav. Ramsay of Broxsmouth, Hew Wallace of Cairnhill, H. Kennedy of Girvanmains, Ro. Fairley of Braid, Hary Creichton, Geo. Ogilvie of Bamff, Alex. Rutherford of that Ilk, Ja. Swinton of that Ilk."

Item, p. 141. The Register of the Parliaments during the Queen-Regent's Government being lost, I have been at pains to search the Seals for the Lord Erskine's commission of Keeper of the Castle of Edinburgh, but could not find any thing thereof at all. There are two signatures, both of them dated the 8th November 1561, relating to the Castle of Stirling; the first of which narrates the late Thomas Lord Erskine his keeping the said castle for the Queen-Dowager, the second confers the keeping of the same castle to John Lord Erskine for all the days of his life—"the said Lord keip and the said place trewlie and straitlie, to be reddie and obedient to our Soverane Ladie quhat time or quhow often hir Grace requiris the samyn, sicklike as he hes done in time bigane."

Item, p. 160. Though it be said, upon the faith of our historians, that three Frenchmen got considerable posts in this kingdom, yet I can perceive no vestige of a commission granted them, either in the Register of the Great or Privy Seals. The only appearance of any such thing is the office of Comptrollery to Barthilmo Wilemoir of that Ilk, dated at Orleans, by the Queen, 8th January 1560-1, after the death of her husband the French King.

Letter,¹ *Sir Nicholas Throckmorton to the Queen of England*,
21st July 1567.

"TO THE QUEENES MOST EXCELLENT MAJESTIE—It may

¹ This letter I have by the favour of the ingenious Dr Patrick Forbes, who, with great industry as well as expence, has collected and deciphered, and is just about to publish, a continued series of all the public transactions through the whole course of the long and memorable Reign of Elizabeth Queen of England, in the original accounts, which those that had the management of affairs in their hands committed to writing, and which, upon that account, I presume, will serve to set matters in a far better light than hitherto they have been. I have seen a part of

please your Majestie,¹ synce the dispatche of my laste of the 19th of Julye, I have pressed theys Lordes to geve me aunswer to suche thinges as I proposed unto them the 15th of thys monethe ; and namelye to permit me to have accesse to the Quene theire Soveraygne, without anye longer delaye ; and lykewyse to satisfye your Majestie in the enlargement of her. The Earle Moreton aunswered me, That shortelye I should heare aunswer from them ; but the daye being destyned (as I dyd see) to the Comunyon, contynuall preachynge and comon prayer, they coulde not be absent, nor attende matters of the worlde ; for, firste, they must seeke the matters of God, and take counsell of Hym who could best dyrecte them. Notwithstandinge he promysed there shoulde be no delays used.

“ And the same nighte, about 11 of the clocke, the Lard of Lyddyngton came to me to my lodgyng, and delyvered me, on the Lordes behalfe, thys wrytinge which I sende your Majestie,² sayinge, because the matter was longe, and conteyned manye partes, theye thought good, for the helpe of my memorye, to put the same in wrytyng ; for the which I thanked him. Marye, I coulde have ben better contented yf they woulde have subscribед theyre names to the same. He sayde that was needles ; for yt was but onelye to ease

this Collection, and can affirm that nothing comparable to it has hitherto appeared, and that it justly deserves all manner of generous encouragement.

¹ Paper-Office, an Original.

² It is the same which begins p. 417 of this History, but the date is evidently false, and instead of 11th should certainly be 21st of July, or rather 20th, as having been delivered to Sir Nicholas the night before he wrote this letter of the 21st. In that Paper, p. 419, l. 34, Dr Forbes has shewed that it should be read thus—“*Every day to fecht a cruill battell. What,*” &c. And that on p. 427, l. 33, the reading ought to be—“*Hir advantage, it mycht impede hir resolutioun to allow of our advyss ; quhilk,*” &c. Follows here the Schedule mentioned, p. 426, l. 28, which I have obtained from the same gentleman, viz. Barons of the Parliament, The Earle of Athell, the Earle of Morton, the Earle of Glyncarne, the Earle of Marre ; the Master of Montrose, cauldy Lord Grahame, heire to the Earle of Montrosse ; the Lorde Hume, the Lorde Ruthen, the Lorde Creghton of Saker, the Lorde Simple, the Lorde Innermeithe, the Lorde Ogletre ; the Lorde of Craigmiller, Provost of Edinburgh ; the Comendator of Drybirge, the Comendator of Cambuskenith, Mr James Magyll.—[The references, p. 417, p. 419, line 34, and p. 426, line 28, in this note, are to the folios of Bishop Keith's History. The reader will easily find the documents in Book II., Chapter XII. forming the *second* volume of the present edition.—E.]

me of payne to cowche yt in wrytinge ; otherwyse your Majestie woulde have beleaved what I had wrytten unto yow of them, of myne owne reporte, without they're wryting or subscryptyon. And yet, quoth he, the Quene and her Counsell wyll know, that this comethe from us ; and the rather, because I delyver yt yow on the behalfe of the Lordes. I pressed to have accesse to the Quene theyre Soveraygne. He answered me, That, for that and other thynges proposed by me on your Majestie's behalfe, I muste needes tarye untill theyre assocyates weere joyned with them. This parentarye aunswer beinge geven me, wherewith I shewed myselfe nothyng contented, he sayde unto me, Sir, I wyll talke more frankelye with yow than with anye man of your natyon, weere yt not with my Lord of Leycester and Mr Secretorye. Yow see our humors heere, and how wee be bent. Let the Quene your Soveraygne and her Counsell be well advysed ; for surelye yow run a cowrse which wyll breede us greate peryll and trowble, and yourselves most of all. Doe yow not see, that yt dothe not lye in my power to doe that I fanest woulde doe, which is to have the Quene my mistris in estate in person and in honor ? I know well enoughe yt is not hydden from yow th'extremyte that the chyfest of our Assemblye be in concerning th'endyng of thys matter. Yow harde yesterdaye, and somewhat thys daye, how bothe yow and I weere publykelye taxed in the preachynges, thoughe we weere not named. Wee must be fayne to make a vertue of necessitye, and forbear neyther to doe ourselves good, the Quene nor our countrye. And the Quene your mistris had neede to take heede that she make not Scotlande, by her dealyng, better Frenche than eyther they woulde be or shoulde be. Yow see in whoose handes restethe the power. You know the Frenchemen have a sayinge, *Il pert le jeu qui laisse la partie* (i. e. *He loses the game that quits the side*). To my great gryeffe I speake that the Quene my Soveraygne maye not be abyden amongst us. And thys ys not tyme to doe hir good, if she be ordeyned to have anye. Therefore take heede that the Quene your Soveraigne doe not loose altogether the good wyll of thys companye irrecuperablye ; for thoughe there be some amongst us which woulde reteyne our Prynce, people, and amytye to Englandes devocyon, yet I can assure yow, if the

Quenes Majestie deale not otherwyse than she dothe, yow wyll lowse all. And yt shall not lye in the power of your well-wyllers to helpe yt, no more than yt dothe in our powers now to helpe the Quene our Soveraygne.

“Agreable hereunto, yt may please your Majestie, yow mycht perceyve be my lettres of the 19th of Julye, upon suche groundes as I made my collectyons, that th’yssue of thys great matter heere was lyke to be determyned by one of the four degrees and endes in my sayde lettres mencyned; albeyt I dyd pryncypallye relye by conjecture upon the twoe laste and extremest. But nowe I have by assured intellygence, notwithstanding this smowthe speache uttered by theys Lordes in thys wrytinge which I sende your Majestie, they bee resolved to put in executyon forthewith the coronatyon of the yonge Prynce, with the Quenis consent, yf they can obteyne the same; promysynge her, that her conformytye in thys matter shall assure unto her, that they meane not neyther to towche her in honor nor in lyffe, neyther otherwyse to procede agaynst her judycyallye by waye of proces: Otherwyse they are determyned to procede agaynst her publykelye, by manifestacion of suche evydence as they are hable to charge her with. And for the perfectyng of thys theyre entent, they have sent for all the Lordes and gentlemen which they thynke wyll conjoygne with them; and, as I understande, they make theyre accompte to ende thys matter before the latter ende of thys monethe.

“They meane also, in the Prynce’s name so crowned, to governe thys Realme by nyne suche Noblemen and others as I have named unto your Majestie in my former lettres; and, as far as I can understande, theye doe not meane to suffer the Quene to departe forthe of theyre own garde, neyther to passe forthe of thys Realme, albeyt the Frenche Kynge or your Majestie woulde be pleased to have her, and albeit the Frenche Kynge woulde deteyne the profettes of her dowrye.

“Thys is also to be feared, that when theys Lordes have so far proceded as to towche theyre Soveraygne in honor and credyt, theye wyll never thynke to fynde anye salfteye as longe as she lyveth; and so not onelye depryve her of her estate, but also of her lyffe.

“When I had perused thys wrytinge delyvered me by

the Lard of Lyddyngton, I asked hym, howe far theys wordes, *Necessytie of theyre cause*, in th'ende of the same, dyd extend, and howe far they might be led? He made me non other aunswer, but, shakynge hys heade, sayd, *Vous estes ung renard*, (i. e. *You are a very fox*).¹

“The Erle Bodwell, as I understande, hathe assembled four or fyve smalle shyppes together. He hathe equipped and manned the same, and myndethe, as yt is sayde, to use the sea for his uttermooste refuge. He begynneth, as I heare, to spoyle at the sea alreadye: He meaneth to allure the pyrates of all countreys unto hym. It were good that your Majestie's fleete from Islelande towke good hede that they falle not into hys lappe.

“Mr Knox dothe in hys sermons daylye praye for the continuacyon of amytie betwixte Englande and Scotlande, and dothe lykewyse admonyshe hys audytorye to eschewe theyre ould allyaunce with France, as they woulde flye from the pottes of Egypte, which brought them nothyng but sugred poyson: Notwithstandinge he dothe contynue hys seveare exhortacyons as well agaynste the Quene as agaynste Bodwell, thretnynge the greate plage of God to thys wholle countrey and nayton, yf she be spared from her condigne ponyshement.²

“The Earles of Mar, Glenkerne, and Cassills, with the rest of theys Lordes assocyatts, wyll be heare, as I am informed, the 24th or 25th of thys monethe, and not before.

“The Convencion of all the churches, whereof I made mencion in my last to your Majestie, notwithstandinge all my perswacyons to the contrarye, dothe houlde; and thys daye, being the 21st of this monethe, theye are assembled in the Tollebowthe, where they doe propounde such matters as they intende to treate of at thys tyme. The Lard of Lyddyngton hathe trayvalled with soundrye of the wysest to make them desyste from dealynge in anye matter which dothe concerne the Quene, or thys cryme; but, as far as I can learne, yt wyll be verye harde to wyn thys at theyre

¹ This is a plain confirmation of the remark I took the freedom to make on the same expression [Book II. Chap. xii.], long before I had seen this Paper.

² And this likewise is a strong confirmation that much of the Queen's miseries proceeded from Mr Knox. Consider also the manner of preaching narrated above in this very letter.

handes : For they be verye audacyous, and yt appeareth theyre hartes be mervelowslye hardened agaynst theyre Soveraygne ; which God mollefye.

“ Forasmuckle as I heare an inkelynge, that theys Lordes doe meane to desyre me to assyste with them at the coronation of the Prynce at Sterlynge, it maye please your Majestie that I maye knowe your pleasure howe to dyrecte myselfe in that matter, in case I be by them so requyred.

“ Thus I praye Almyghtye God to preserve your Majestie in perfecte helthe, long lyffe, and prosperous felycetye. At Edenboroughe, this 21st of Julye 1567.

“ Your Majesties moost humble, faythefull, obedyent servaunte and subjecte,

“ N. THROKMORTON.”

*Cartels of Lords Herries and Lindsay of 21st and 22d
December 1568.¹*

Nota.—Though the following Paper does not properly pertain to the period treated of in this Book, yet since it bears such affinity to one great event therein, perhaps the reader may not be displeased to see it here.

“ LORD HERREIS—I am informit that ye haif spoken and affirmit, that my Lord Regent’s Grace and his companie here present war guiltie of the abominable murther of the King our Soveraign Lordis fader: Gif ye haif swa spoken, ye haif syd untruely, and thairin lyed in your throt, quhilk I will mentayn, God willing, against yow, as becomes me of honour and duetie. Hereupon I desyre your answer. Subscrivit with my hand at Kingston the 22d of December 1568.

“ PAT. LINDSEY.”

Answer thereto carried by John Hamilon of Broomhill.

“ LORD LINDSEY—I have seen a wrytand of zours the 22d of December, and thairby understandith zeir informit, that I haif syd and afirmit that the Earle of Murray wham zee call zeir Regent, and his company, are guiltie of the Queen’s husband’s slaughter, fader to our Prince ; and gif I syd it, that I lyd in my throt, whilk zee will mantain against me as

¹ Mem. Scot. tom. iii. F. 376, Col. Scot. Par.

becomis zow of zour honour and deutie. In respect thay haif accusit the Queenis Majestie, mayn and zour native Soveraign, of that fowl crime, far by the deutie that guid subjectis aucht, or evir has bein sein to haif done to thayr native Soveraign, I haif syd thair is in that company present with the Earle of Murray guiltie of that abominable trayzoun, in the foirknowledge thairto that zee war privie to it, Lord Lindsey, I knaw not ; and gif zee will say that I haif specially spoken of zow, zee lyd in zour throt, and that I will defend as my honour and deutie becomis me. But I wad anie of the principals that was their subscriye the lyke wrytand zee haif sent to me, and I sall poynt him furth, and fight with any of the traytoris theirin ; for meitist it is that traytoris sall pay for their awn trayson. Of London, 23d December 1568. " HERREIS."

Note.—Because the publisher of the Collections relating to the History of Mary Queen of Scotland, has not thought fit to insert this following Paper at p. 93, vol. iv. Part II. I have therefore given it here to the readers, and I am hopeful it will discover somewhat to them which perhaps that gentleman has wanted to conceal.

*The Queen, to the Duke of Norfolk, the Earl of Sussex, Sir Ralph Sadler, Her Commissioners at York, 16th October 1568.*¹

" WE grete yow well. We have of late receaved your severall letters of the 9th and 11th of this moneth, with all such other matters conteyned in sundry writings, as by your said letters hath ben mentioned. Upon consideration wherof with such of our Counsell as now attend upon us, we have, after good deliberation, found such difficulties how to make a certen resolute answer unto yow, as we are rather moved to have further advise of others of our Counsell now absent, and likewise of yow ther, then presently to make any sod-dayn and incertayn determination upon the wholl body of the matter. Wherefore like as we meane to send for certen of the Lords of our Counsell as be now absent, to have and use their advise, so we are desirous to have some understanding of your opinions, and therwith also to feele the

¹ Paper-office, an Original, from Dr Forbes' Collections.

minds of both the parties with whom you have there to doo. For which purpose we wold have yow, Sir Raff Sadleir, make your repaire hither to us, as yow may with spede, by whom having your advices therto, we may be asserteyned in certen questions and matters conteynd in a writing here included : And likewise we desire to have here the L. of Lyddington and James Makgill ; and on th'other parte, the Lord Hereys and the Abbot of Killwynning. And yet for the procuring of them to come hither, we think good these meanes be used : We wold have yow to declare unto the Commissioners on both partes, ether severally or joyntly together, that upon the complaints made on the Queen's behalf, and the answers made therto on th'other parte, wherof yow have sent us the true copies, and have required to know our funder pleasure for your funder proceeding, we have found it very necessary, for our owne information, and for the more spedy and good ending of the wholl matters, to have some one of ether party, ether of the Commissioners themselves, or of such as they shall allowe, to come hither unto us ; with whom, as with persons of understanding, and having creditt, we may so conferr, as therby we may finally tak some resolution how to direct the doing of yow our Commissioners for the spedy ending of the wholl cause, wherein you may saye, We do find certen such difficulties, as without such a conference by way of speche with some of ether party, we cannot give yow such a direction as might, without funder delay of time, by sending to and fro, make an end of the wholl cause, for the commodity and satisfaction of both parties. And having propounded this motion unto them, yow may, as of yourselves, procure the Queene's parte to allowe of the sending of the Lord Hereys, and of the Prince's parte to send the Lard of Lyddington, if yow shall think that th'Erle of Murrey will committ as much trust unto him as we think he is here able to conceave and discharge in conference with us. And therwith yow the Duke and the Erle may adde, That yow wil be bold to send Sr Raff Sadleir likewise unto us, to be present with them at our Conference ; who may be therby the meter at his returne with them to bryng to yow our perfect resolution for the wholl matter. And this being don and accorded, we think it good that some privat motion be made apart to the Abbot

of Killwynning, by way of a frendly manner, to advise him, in respect of the Duke of Chatilrault's cause, to come upp and be here at this Conference also. And if it be found that Lyddyngton shall not be thought by the Erle of Murrey mete ynough for his parte, than though he send any other of his colleges in commission with hym, yet we cold be content that Lyddyngton might also come, in respect of the acquayntance he hath here. For the time of their comming, you may move them to use as much diligence as themselves shall allowe of, and as soone as yow can, to wryte therof unto us. And the more willyngly to induce them of the Queen's parte therunto, who we think will most suspect the same, we wold have yow to use all good meanes, wherby the Queen may understand that this our conference is entended to take away the delay of time, which of force we see like to ensue, by sending to and fro by way of letters and writing betwixt us and yow our Commissioners, in such uncertayn sort as we cannot see any lyklood, but by this meanes, how to end this cause in honorable sort, and mete for all partes.

“ In the dealyng herin, yow shall doo well to have good regard that none of the Queen of Scotts' Commissioners may gather any dout of any evill success of her cause, but that they may imagyn this conference of ours principally to be ment how hir restitution may be devised with suerty of the Prynce hir sonne, and the Nobilite that have adhered to hym; and therin yow shall doo well to understand ther intentions in as manny resonable degrees as may be devised, so as at the comming of yow, Sr Raff Sadleir, we may have the more facilite to treathe therof.

“ Furdermore, consideryng, uppon the repayre of these partyes hither, and uppon lack of answer to yow, how yow shuld furder procede, ther will be an abstynence of treaty betwixt yow the Commissioners: And that we understand how yow, our coosyn of Norfolk, might doo us very good service to view our frontyers, before your retorn out of the North, we have thought good to remitt it to your consideration, whyther in this time of abstynence yow might, usyng therin some spede, repayre to our frontyers. Which if yow maye conveniently doo without danger to your helth, than we will and require yow, and by these presents we doo

authorise yow to repayre to our three frontyers, that is to saye, the Est, Middle, and West; and calling the Wardens to yow, and such others as yow shall thynk mete, inquire uppon what occasions our sayd frontyers ar become weake in nombres of English people, and speciall of horsmen, and in any other thyng requisit to be redressed: and theruppon we will yow in our name to gyve express ordre to cause all meanes be used that you shall fynd mete to reform the same. And generally for the trust we repose in yow, we authorise yow to putt in execution, as far furth as the time may serve, and for the time to come, to command the execution of all such good ordres as hath bene devised of late tyme for strengtheing of the countrey by inclosures, by repayryng of decayed houses, by causyng officers and freeholders to dwell uppon ther chargees and housees, and by secludyng from the frontyers the frequent inhabitation of Scottish people: Of all which, with many such lyke of late, we have perceaved our coosyn of Hunsdon, Warden of our Est Marche, hath found no meane fault to the diminution of our strength. And though this tyme may seme very short for so great a service, yet knowing how both the defaults and remedies ar redely knowen, we thynk your presence by our authoritie will doo more good to the puttyng the reformation in execution, than a long abode of new Commissionars. And so whylest yow the Duke is absent, yow, our coosyn of Sussex, may have more lesure to enter into the acquayntance of your chardg of the presidency, from which we thynk this other Treaty hath somewhat detayned yow."

To p. 48. Haldenrig is not in the shire of Merse, but in Teviotdale, now a part of the shire of Roxburgh, a large mile south-east from Kelso.

To p. 84, near the close of the note¹—*In all ten*, Mr Sadler says, *in presence of the greatest part of the Nobility*. Were the matter of any moment, the readers would form the best judgment by themselves, since this gentleman acknowledges the Cardinal, whose sway was then very great, and his complices were absent.

To p. 202. See the Bond, &c. as contained in Knox's History, anno 1732.

¹ [The third note which commences on p. 83 of this volume.—E.]

“ *At Aberdeine, 5th January 1558-9. The counsall gevin be the Deyne and Cheptour of Aberdeine to my Lord Bischope of Aberdeine the Ordinar, at his Lordschipsis desyre, for Reformation to be maid, and stancheing of Hereseis pullelant within the Diocie of Aberdeine, and the ordour prescrivit to be observit to the samyn effect.*

“ INPRIMIS, that my Lord of Aberdeine caus the Kirkmen within his Lordschipsis Diocie to reforme thameselfs in all thair slanderus maner of Lyving, and to remove thair oppin concubinis, alsweill grete as small, under sic panis as is contenit in the Law and Actis Provinciall : And the Cheptour of Aberdeine sall do siclyk amangis thame in all scharpest maner conforme to the law, alsweill on thameselfis as thair servandis, or ony uther personis dwelland under thair jurisdiction.

Item, For preching to be maid within the haill Diocie, that thair be send letteris monitoris upon the haill Parsonis, Abbottis, and Prioris, to caus preching to be maid within thair kirkis betwix this and Fasternis-evin nixt, at leist anis in ilk paroche kirk, and anuther tyme betwix that and Pasche, with continewation, conforme to the Actis Provinciall, under panis contenit thairintill ; and failzieing thairof, that my Lord caus send ane prechour to everilk kirk that is not prechit in Lentroun thaireftir, and to tak up the panis thairof, to be applyit to certane precheouris to be send throw the Diocie, and letteris to be direct thairupoun, upon the fermoraris thairof, conforme to the Statut Provinciall, swa that the peple be nocht in danger becaus of the inlack of precheing of the trew Catholik Fayth. And sicklyk, sequestration of all frutis to be maid, *usque ad reformationem Ecclesiarum, pro parte Rectorum* ; and writtingis to be maid thairupoun be my Lord to thame all that ar absent, to cum and mak residence within the Diocie and Chanonrie of Aberdeine, and to reforme the kirkis, and caus prechingis to be maid thairintill, according to the Actis.

“ *Item*, To this effect the Statute of Residence to be putt to executioun, conforme to the fundatioun *super septima*.

“ *Item*, Anent the ordour and procedeing twicheing reformatioun of sic enormeteis as is within the Dyocesie.

“ *Inprimis*, To send ane summondis—*contra infamatas*

personas de hærese, quod compareant coram Episcopo, Decano, et Capitulo, suis in hac parte Consiliariis et Assessoribus, ad videndum et audiendum se plecti et puniri, secundum juris exigentiam, et qualitatem delicti, vel purgandum se purgatione canonica: Nec non et propter absentiam ab ecclesiis suis parochialibus, diebus saltem Dominicis; et signanter, quia non dedignantur¹ interesse sacrificio Missæ. And quhen thai cum, to examine thame—‘*quid sentiunt de sacramento altaris, et de potestate Ecclesiæ, et sacrificio Missæ, et reliquis Ecclesiæ sacramentis;*’ and to gif resoun of thair fayth and beleif, *secundum discretionem examinantis*, conforme to the Scriptour: Quhilk summondis salbe send to thair dwelling-placis that ar within the Diocie, and execut be ane preist-notar, with thre honest wyttnessis at the leist, becaus thai cum nocht to thair paroche kirkis, or at thair paroche kirkis on ane Sounday, or ony solemnit haly day.

“*Item*, To this effect to constitute Maister Nicoll Hay scribe in this besynes, and Maister Thomas Freser and Alexander Paip procuratoris-fiscallis in this and uther causis, and every ane of the thre to haif ten merkis, to be payit at the Senzie be the Deyne of Mar, and to be allowit in his comptis. And in lyk maner, Maister Robert Lumisdale, principall Procuratour Pensionar bayth to my Lord and Cheptour, to be requirit to procure in the samyn; and the forsaid scribe to direct all letteris, and to be subscrivit be him, *demandato reverendi Patris*, and to haif ane speciall seil to be maid to that effect; and quhat beis done thairintill, my Lord to ratify, stand at, and appreve in all poyntis.

“*Item*, To require my Lord Huntlie, Balzie of the Bischoprik of Aberdeine, and all utheris fewaris of the samyn, for outsetting, defence, and mantenyng of the Catholik Fayth, to be present with my Lord of Aberdeine, and at his Lordshipis seitt at the dayis appoyntit, conforme to thair bandis *respectivè*; and in cais of my Lord Huntlie’s absence, to caus sum principall landit man of his Lordshipis kyn to be in reddynes in his Lordshipis place, as he beis requirit, for assistere.

“*Item*, To send certane Granatouris to New Aberdeine, Banchorie-Ternan, Echt, Kynerne, Midmar, Auchindoire,

¹ Sic in autogr. pro *dignantur*.

and Kierne,¹ to moneis all thai that ar art, parte, reid or counsall of the byrnyng of the kirk of Echt, or casting down of ymages in ony kirkis within the Diocie of Aberdeine, to revele the samyn to my Lord Aberdeine, or his Commissaris in that part ; and cursyngis to be execut solemnitlie thair-upoun at the mercat-croces of New Aberdeine and Auld Aberdeine. And that the premissis, be the help of God, may tak the bettir effect, the Deyne and Cheptour forsaidis humlie and hartlie prayis and exhortis my Lord thair Ordinar, for the honour of God, releif of his awin conscience and weill of his Lordschipis Dyosie, eveting of gretar sclander : And becaus all thai that ar contrarius to the Religioun Cristiane promittis faythfull obedience to the Prelatis, swa that thai will mend thair awin lyvis and thair inferiouris, conforme to the law of God and haly Kirk ; In respect herof, that his Lordschip wald be sa gude as to schew gude and edificative example in speciall, in removing and dischargeing himself of cumpany of the gentilwoman be quhom he is gretlie sclanderit;² without the quhilk be done, dyvers that ar pertinax sayis, thay can nocht accept counsall and correctioun of him quhilk will nocht correct himself. And in lyk maner nocht to be ovr familiar with thame that ar suspect contrarius to the Kirk, and of the new Law ; and that his Lordschip evaid the samyn, that quhen his Lordschip

¹ [The places referred to, exclusive of the town of Aberdeen, are the present parishes of Banchory-Ternan, Echt, Kincardine O'Neil, Midmar, Auchindoir, and Kearn, the last-mentioned now annexed to Tullynessle and Forbes as one parochial district.—E.]

² This Bishop was William Gordon, a son of the Family of Huntly, and this reprehension serves to confirm the bad character Archbishop Spottiswood gives of him.—[He was the fourth son of Alexander third Earl of Huntly, and the last Roman Catholic Bishop of Aberdeen. Archbishop Spottiswoode's account of Bishop Gordon is most severe.—“ This man,” says the venerable Primate, “ brought up in letters at Aberdeen, followed his studies a long time in Paris, and returning thence, was first Parson of Clatt, and afterwards promoted to the See. Some hopes he gave at first of a virtuous life, but afterwards turned a very epicure, spending all his time in drinking and whoring. He dilapidated the whole rents by feuing the lands, and converting the victual duties in money, a great part whereof he wasted upon his base children, and the whores their mothers—a man not worthy to be placed in this Catalogue. He died in the year 1577.” History of the Church and State of Scotland, folio, London, 1677, p. 107. Bishop Keith, in his “ Catalogue of Scottish Bishops,” omits any notice of Bishop Gordon's licentious conduct, of which the above document is unfortunately an undeniable proof.—E.]

plexis to vesey the feyldis to repois himself, cheis sic Company as efferis till his Lordschipis awin estate; and caus his Lordschipis servandis to reforme thair selfis, becaus nixt himself it seims him to begyn at his awin houshold. Quhilkis premissis being done, the saidis Deyne and Cheptour belevis in God that all sall cum weil, to the honour of God, and generall reformatioun of the haill Dyocie of Aberdeine; and thai promes to his Lordschip thair hartlie concurrence and assistance, with honour, service, and obedience at thair uter power.

“ ROB. ERSKINE, Decanus Aberdonen.	ARTHURUS TAILLEFERE de Crechmond.
PATRICIUS MYRTON, Thesaurarius Abd.	JACOBUS GORDOUN de Lonmay.
JA. STRACHAUCHAN a Balhelvy.	WILLELMUS CAMBELL de Tullynessill.
JOANNES LESLIE de Murthlak ¹ SSR.	ALEXR. BRYD, Subcentor.
JOANNES WATSON de Clat SSR.	ALEXR. ANDERSON, Subprincipalis Cacus Abd.”

[IN reference to the Articles of Heresy preferred against Sir John Borthwick, the son of William third Lord Borthwick who was killed at Flodden, printed by Bishop Keith, and forming No. IV. of his Appendix, p. 335 of the present volume, the following observations by Principal Lee of the University of Edinburgh are in the first volume of the BANNATYNE MISCELLANY, Edinburgh, 4to. 1827, p. 253, 254. They are inserted as prefatory remarks to the reversal of the sentence, or “Declarator in the Court of the Superintendent of Fife, 1561,” which was pronounced by Winram.—“His (Sir John Borthwick’s) condemnation as a heretic is transiently noticed by several of our historians, and the articles preferred against him, with the answers which he published after his escape, have been inserted by Fox in the second volume of his Acts and Monuments. From Fox the account of the process is professedly copied by Keith, in his Appendix to the History of Scotland; but he has omitted several material parts of the charge, which were faithfully detailed by Fox, particularly that which relates to the reading of the New Testament in English, and other prohibited books. The translation from the Latin, both in Fox and Keith, is in some parts so inaccurate, as to be quite unintelligible.” Principal Lee observes that

¹ Afterwards Bishop of Ross.

Winram is inaccurately named *Winton* by Keith." This, however, may be a typographical error, like another which the Bishop himself pointed out in his *Errata*, accidentally overlooked in the present volume. Among the personages who attended the trial of Sir John Borthwick was Robert Abbot of *Kinloss*, and not Abbot of *Kelso*, as printed by the Bishop. Our Historian in his *Errata* says—"for *Kelso*, read *Kinloss*."

The charges against Sir John Borthwick occupy five quarto pages of small print in Latin; but whatever may be the merit of the translation, it is evident that Bishop Keith is not so censurable as the learned Principal inclines to think, seeing that he refers to Fox as his authority. After all, the most important passage omitted thus commences—"Viz. specialiter et in specie *Novum Testamentum in vulgari Anglice impressum, Ecolampadium, Melanctonem*, et diversos *Erasmi*, et diversorum aliorum hereticorum condemnatorum necnon et librum *Unio Dissidentium*," &c. A comparison of the translation of the "Act or Process against Sir John Borthwick," as transcribed by Bishop Keith from Fox, fully corroborates Principal Lee's statement as to its inaccuracy.—E.]

CONTENTS OF VOLUME FIRST.

INTRODUCTION.

	PAGE
CONTAINING AN ACCOUNT OF THE FORM OF THIS WORK— A VIEW OF THE SCOTTISH NATION FOR SOME TIME BEFORE THE REFORMATION—AND THE FIRST RISE OF THE SEPARATION FROM THE CHURCH OF ROME .	1

BOOK I.

CHAP. I.—CONTAINING AN ACCOUNT OF CHURCH AFFAIRS FROM THE FIRST DAWNING TOWARDS A REFORMATION IN RELIGION, ANNO 1527, TO THE DEATH OF KING JAMES V., ANNO 1542	13
CHAP. II.—CONTAINING AN ACCOUNT OF STATE-AFFAIRS FROM THE TIME THAT KING JAMES V. TOOK THE AD- MINISTRATION OF THE GOVERNMENT UPON HIMSELF, ANNO 1524, TO THE DEATH OF THAT KING, ANNO 1542, TOGETHER WITH HIS CHARACTER	32
CHAP. III.—A CONTINUATION OF THE AFFAIRS OF STATE, FROM THE DEATH OF KING JAMES V., ANNO 1542, TILL THE DESCENT MADE UPON SCOTLAND BY THE ENGLISH NAVY, ANNO 1544	63
CHAP. IV.—CONTAINING AN ACCOUNT OF CHURCH AFFAIRS FROM THE DEATH OF KING JAMES V., ANNO 1542, TILL THE MURDER OF CARDINAL BEATON, ANNO 1546 .	89
CHAP. V.—CONTAINING AFFAIRS OF STATE FROM THE DESCENT MADE BY THE ENGLISH NAVY, ANNO 1544, UNTIL THE ADVANCEMENT OF THE QUEEN-MOTHER TO BE REGENT OF THE KINGDOM, ANNO 1544 .	114
CHAP. VI.—CONTAINING AN ACCOUNT OF CHURCH AFFAIRS FROM THE MURDER OF CARDINAL BEATON, ANNO 1546, TILL THE SETTING UP OF THE CONGREGATION, ANNO 1558	144

	PAGE
CHAP. VII.—CONTAINING AN ACCOUNT OF STATE AFFAIRS FROM THE BEGINNING OF THE QUEEN DOWAGER'S REGENCY, ANNO 1554, UNTIL THE LAST PARLIAMENT THEREOF IN THE END OF THE YEAR 1558	160
CHAP. VIII.—CONTAINING AN ACCOUNT OF PUBLIC AFFAIRS FROM THE MONTH OF NOVEMBER 1558, UNTIL THE TAKING OF THE TOWN OF PERTH BY THE CONGREGATION IN THE END OF JUNE 1559	177
CHAP. IX.—CONTAINING AN ACCOUNT OF PUBLIC AFFAIRS FROM THE TAKING OF THE TOWN OF PERTH BY THE CONGREGATION IN THE END OF JUNE 1559, UNTIL THE ACT OF DEPRIVATION MADE BY THE SAID CONGREGATION AGAINST THE QUEEN-REGENT IN THE END OF OCTOBER THE SAME YEAR	211
CHAP. X.—CONTAINING AN ACCOUNT OF PUBLIC AFFAIRS FROM THE SUSPENSION OF THE QUEEN-REGENT IN THE END OF OCTOBER 1559, UNTIL THE TREATY MADE AT BERWICK BETWIXT THE QUEEN OF ENGLAND AND THE LORDS OF THE CONGREGATION IN THE END OF FEBRUARY, ANNO 1559-60	241
CHAP. XI.—CONTAINING AN ACCOUNT OF PUBLIC AFFAIRS, FROM THE FINISHING OF THE TREATY AT BERWICK BETWEEN THE QUEEN OF ENGLAND AND THE LORDS OF THE SCOTTISH CONGREGATION IN THE END OF FEBRUARY 1559-60, UNTIL THE DEATH OF THE QUEEN-REGENT ON THE 10TH OF JUNE ANNO 1560	263
CHAP. XII.—CONTAINING AN ACCOUNT OF PUBLIC AFFAIRS FROM THE DEATH OF THE QUEEN-REGENT ON THE 10TH OF JUNE 1560, TILL THE ESTABLISHMENT OF THE RE- FORMED DOCTRINES BY THE ESTATES OF THE KINGDOM IN THE MONTH OF AUGUST THEREAFTER	286

APPENDIX TO BOOK I.

	PAGE
I.—The Form of the Indulgence granted by Pope Leo X.	330
II.—The Sentence pronounced against Mr Patrick Hamilton	ib.
III.—Friar Seton's Letter to the King	332
IV.—The Act or Process against Sir John Borthwick	335
V.—Orders of Parliament	341

	PAGE
VI.—Act annulling the Treaty of Peace and Marriage betwixt Mary Queen of Scotland and Henry VIII. King of England, and Edward Prince of Wales	341
VII.—Act empowering Cardinal Beaton, &c., to treat with the Ambassadors of France	345
VIII.—Letter from James Earl of Arran, Governor of Scotland, to Henry VIII., King of England	347
IX.—Letter of King Henry of France to the Estates of Scotland,	348
X.—Approbation, &c. of the Scottish Commissioners, &c.	349
XI.—Contract of Marriage, &c.	353
Commission by the Estates of Scotland to certain of their Number to go into France, there to negotiate the Marriage of the young Queen Mary with the Dauphin	359
The Queen's Commission to the same Persons to act for her in the intended Marriage	361
XII.—Oath of Fidelity by the Scottish Commissioners in name of the Estates of Scotland to the Dauphin of France as King of Scotland, &c.	363
XIII.—XXI.—A Letter from Sir Henry Percy concerning the Affairs of Scotland	364
Memorial of certain Points meet for the restoring of the Realm of Scotland to the ancient weale, written by my Lord Treasurer (i. e. Cecil) with his own hand, 5th August 1559	368
A Short Discussion of the Weighty Matter of Scotland, August 1559	370
A Letter from Sir Ralph Sadler and Sir James Croft to the Council of England	377
Orders (sent, as appears, from England) for the Maintenance and Governing of the Garrisons of Horsemen and Footmen, 4th November 1559	380
Minutes of a Letter from Sir Ralph Sadler to Mr Randolph, 4th November 1559	381
Another, 5th November 1559,	ib.
A Letter from Sir Ralph Sadler and Sir James Croft to Mr Secretary Cecil	ib.
A Letter from the Lords of Scotland to Sir Ralph Sadler	383
A Letter from Sir Ralph Sadler and Sir James Croft to Sir William Cecil	384
A Letter in cypher from Mr Randolph to Sir Ralph Sadler and Sir James Croft, decyphered	387
A Letter from the Council of England to Sir Ralph Sadler and Sir James Croft	389
The Order sent with the Bishop of Amiens and La Brosse, from the King and Queen of France and Scotland, for quieting the Troubles in Scotland	390
A Letter from Sir Ralph Sadler and Sir James Croft to Secretary Cecil	393
Knox's Letter to Mr Railton, 23d October 1559	395
John Knox, in his own hand, under the name of John Sinclair, of 25th October 1559, to Sir James Croft, Captain of Berwick	397

	PAGE
Copie of Sir James Croft's Letter to Knox, answering to the above	399
Sir Ralph Sadler and Sir James Croft to Sir William Cecil	400
Knox to Mr Croft, 29th October 1559	402
Mr Henry Balnaves to Mr Croft	403
XXII.—A Breefe Consideration of the Weighty Matter of Scot- land	407
Instructions given by the Queen's Majesty to William Winter, Esq. Master of the Ordnance of Her Majesty's Admiralty, sent at this present to the Seas with fourteen armed ships to sail to Scotland	408
Part of an Answer to be said to Monsieur de Seury the French Ambassador, by commandment of Her Majesty (the Queen of England), the 17th day of February 1559, by Sir William Cecil and Sir John Mason, Knights	410
A Memorial to be sent to the Queen Dowager of Scotland, (11th April 1560,) by Chapperon, in cyphers, decyphered	411
XXIII.—XXIV.—A Letter from the Council of England to Secre- tary Cecil, &c.	413
A Letter from Sir William Cecil to the Queen of England	414
XXV.—Acts of the Scottish Privy Council	416-461
Bulla Indulti pro Serenissimo D. Jacobo Scotorum Rege, ad percipiendum fructus Ecclesiarum et Monasteriorum omnium ad unum annum a die cujuslibet illorum vacationis computandum, ut infra, 1534	461
Processus super Bulla Confirmationis Collegii Justitie Seren- issimi Domini Scotorum Regis semper Illustrissimi,	467

[The subjects of the other Documents in Bishop Keith's voluminous APPENDIX to the First Book of his HISTORY, which are inserted without specific titles, and consist of Letters, Representations, &c., are arranged in the GENERAL INDEX at the end of Volume III. of the present edition.—E.]

THE
INTRODUCTION,

CONTAINING

AN ACCOUNT OF THE FORM OF THIS WORK—A VIEW OF THE
SCOTTISH NATION FOR SOME TIME BEFORE THE REFORMATION
—AND THE FIRST RISE OF THE SEPARATION FROM THE
CHURCH OF ROME.

*The reason that inclined the Author to undertake this Work, and
the manner after which he intends to prosecute the same.*



NOTHING being more wanted than a history of our Scottish affairs from the beginning of the Reformation of our religion downwards to the present times, I have entertained a design of endeavouring, according to my ability, to supply that want to the public in general, and to satisfy in particular the just desire of so many persons of learning, curiosity, and distinction, who have long wished to see such a history. I apprehended that I could not so well acquit myself to the satisfaction of all in the forming thereof, as by following closely the records of the kingdom, and such private documents as are of an authentic character, and which may well be received in any History as the vouchers of these facts which they are brought to justify; yet, as by the injury of time, and of some malevolent spirits,¹ there

¹ Our Public Records were all carried off by Oliver Cromwell, and though after the restoration of the Royal Family, they were ordered to be returned by King Charles II. in the end of the year 1660, yet the ship in which they were put having been lost at sea, a part of them only was saved, as will best appear by this Act of our Parliament:—"Edinburgh, 11th January 1661.—The King's Majesty, and Estates of Parliament, considering that the Public Records of this kingdom, which have been in England those years bygone, being by public order put into Major Fletcher's

are but few documents of that kind to be met with for several years immediately succeeding the first commencement of the Reformation in this kingdom, I hope I shall be readily pardoned if, instead of groping in the dark by the few helps I could find out myself, I choose rather, when public documents do fail me, to narrate with all brevity what former historians have recorded of the transactions of those times.

But before I enter even upon the narration of those events, which are commonly reckoned to be the first beginnings of the Reformation, or at least the first dawnings towards one, it will not be amiss, in the first place, to take a general view of the state of our nation about that time, to the end the reader may be the better prepared for receiving what follows, when he has previously seen, by the temper and disposition of the nation, how likely any attempted change in religion was to succeed, and by what means it would probably be carried on.

A view of the state and condition of the Kingdom for some time preceding the Reformation both as to secular and ecclesiastical matters.

II. With respect to the Civil state of the kingdom. There had been a continued chain of long and tedious minorities in the Royal Family, successively following each other, for no less than six generations. This could not fail to produce much weakness in the Government, by the many factions among the nobility, with which minorities are

trust, to be carried hither in his Majesty's frigate called the Eagle, whereof he is captain, and that they were necessitate through the violence of a storm (which was so great as ship and all therein had almost perished), to put fourscore five of these hogsheads into another ship—[by a preceding Act in favours of Major Fletcher, it appears that this ship belonged to the town of Wemyss, whereof John Wemyss was master]—which since is sunk and drowned with these hogsheads and records in her: And that it is found by the trial and depositions of the witnesses taken in the business, that Mr John Young, who was attending these Registers, did not at all consent to the taking them out of the frigate, or putting them into another ship; do therefore exoner the said Mr John Young, and declare him free of any accession to the loss of these Registers, and that he carried himself faithfully according to his trust."—[The ship belonged to Burntisland. Acta Parl. Scot. folio, vol. vii. p. 11. See the Observations on the Public Records of Scotland at the conclusion of the Biographical Sketch in the present Volume.—E.]

almost ever attended, and by the high contempt of the laws, which proves the constant concomitant both of the one and the other. Nor did it a little contribute to the weakness of our Government, and consequently to the insolence of the subjects, that the five Jameses were not only a long time under age, but that they all died in the flower of it, before they had leisure to reform the abuses which had crept in during their minority, and to settle their government on a steady foundation.¹ In such a weak and perplexed situation of the State as this was, it is evident that any intended alteration could most easily make its way, and that the managers of it would have little else to do but to enter into bonds and associations, and briskly threaten the Government, if it should refuse to comply with their demands though ever so extravagant. As this will hold true in every distracted kingdom or state, so the last of the forementioned minorities in this kingdom, being that of Queen Mary, who was left an orphan of a week old, was the most dangerous of all to the peace and tranquillity of the same; but the most favourable juncture that could have fallen out to an intended change in religion, the prince being a very infant, and a female, and she absent in a foreign country, where she was to be married to a most *Antichristian* hus-

¹ [After the feeble and inactive reigns of Robert II. and Robert III., and the equally inefficient regencies of his brother Robert Duke of Albany, and Murdoch the son of the latter, James I., the son of Robert III., who at the death of his father in 1406 was only twelve years of age, succeeded to the crown. His captivity by Henry IV. of England is well known. James I. was in the thirtieth year of his age when he was restored to his liberty and his kingdom, and he was murdered at Perth in 1437, in the forty-fourth year of his age, by Sir Robert Graham, uncle of the Earl of Strathearn, in the thirteenth year of his actual reign. His only son, James II. succeeded him when only in his sixth year, and was killed by the bursting of a rudely constructed piece of artillery at the siege of Roxburgh Castle in 1460, in the twenty-ninth year of his age. His eldest son, James III., was then in his eighth year, and was assassinated in 1488 in a miller's house, which is still partly standing, at the hamlet of Miltown near Bannockburn, after fleeing from his insurgent subjects at Sauchie in the neighbourhood. James IV. was in the sixteenth year of his age when he succeeded his father, and fell at Flodden in 1513, in the forty-first year of his age, leaving his only legitimate son, James V., little more than a year and a half old. This monarch died in 1542 of a broken heart, occasioned by the conduct of the Scottish army at the Solway Moss, when his daughter and successor Queen Mary was only seven days old.—E.]

band¹ in the sense of the innovators, who from thence would certainly take a strong handle to fill the minds of the people with fears and jealousies, to spirit them up into fury and rage against idolatry, and to create in them a hearty dislike against the defenders and protectors of it.

Next, with respect to the Ecclesiastick state. The clergy in Scotland were in possession of a great many lands and revenues, which by donation pertained in property to the Church; and besides, the clergy, being almost the only men of letters at that time, came of course to be advanced to the highest places of honour and profit in the kingdom.² By means of both which fountains of wealth, they not only turned idle and voluptuary themselves, but became likewise the objects of hatred to the great and of contempt to the small, so that to pull them down both nobles and commons could heartily agree.³ The clergy had likewise fallen into an error, not peculiar to that period alone, in omitting to recommend to the people the weightier duties of the Law, and instead thereof in making religion to consist much in the practice of some human constitutions that did not greatly touch the internal nature of it. Of this sort were Pilgrimages, Indulgences, Donatives to the Church, Invocations of the Saints, Confessions, Penances, &c.;⁴ some of which things, though they might be indifferent, and perhaps good in themselves, yet being pressed and urged by the clergy in preference to the more essential things of religion, might afford ground to penetrating people to suspect, that they had their own grandeur and establishment more at

¹ [Queen Mary married the Dauphin, afterwards Francis II. of France, in 1558. He was considered "antichristian" by Knox and his followers for a reason well known.—E.]

² [If we take into account the annual value of all the Bishoprics, abbeys, monasteries, provostries, private chaplaincies, and altars, exclusive of the parishes, it will appear undeniable that the Scottish Hierarchy before the Reformation was more munificently endowed, considering the extent and resources of the kingdom, the population of which was not a million, than that of any other country in Europe.—E.]

³ [We find in the history of the ancient Scottish ecclesiastics some who were undoubtedly licentious, tyrannical, and ambitious, but many of them were religious men, who acted as true patriots, and were zealous supporters of the honour and independence of their country.—E.]

⁴ I suppose I scarcely need to advertise, that I intend not by this to disparage the laudable discipline of the Church, nor to attack any practice founded on the Word of God.

heart than any thing else. And when these non-essentials, which are the things that ought properly to have been called Popery, shall once come to be called in question and canvassed to the bottom, it is very plain they will not be able to keep their ground long.

But this was not all: for the clergy, not being hitherto accustomed to hear of any opposition made to the then received doctrines of the Church, had of consequence taken no care to instruct the people how to maintain or defend their religious principles, if ever they should happen to be attacked on that head. Nay, the truth is, the most part of themselves were very ignorant, and unable to give the people much instruction that way; insomuch that even Bishop Lesley complains, that the alteration in religion had gained no small ground by the want of catechetical instruction, to which he and others of the Roman Church likewise add the too open licentiousness of many clergymen. But that reverend author might have named other defects also in the management of religion at that time, such as the want of regular preaching,¹ and the sealing up the Scriptures from

¹ That preaching was but very rarely performed by the parish priests, appears from the Preface to the Catechism set out by John Hamilton, the last Popish Archbishop of St Andrews, concerning which book I shall have occasion to speak afterwards, wherein he enjoins all the curates or priests of the several parishes to read a certain portion of that book to the people on Sundays, until he shall provide preachers, which thing he there promises very quickly to do. It seems that Prelate saw the great advantage the new Reformers gained by preaching. Any thing of that kind was formerly practised mostly by itinerant monks, so that it was not regular and stated, but merely accidental. Perhaps since that time we have fallen into a contrary extreme.—[The Catechism to which Bishop Keith refers is entitled “The Catechism; that is to say, Ane Comone and Catholik Instructione of the Christine People in Materis of our Catholik Faith and Religion, quhilk na gud Christin man or woman suld misknaw, set forth by ye Maist Reverend Father in God Johne, Archbishop of Sant Androus, Legatnait and Primait of ye Kirk of Scotlande, in his Prouincal Counsale halden at Edinburgh the xxvi. day of Januárie the zeir of our Lord 1551, with the advice and counsale of the Bischoppis and other Prelatis, with Doctours of Theologie and Canon Law of the said Realme of Scotland, present for the tyme.” It is a small quarto volume, now very scarce, printed in black letter, containing several hundred pages, or, as it is marked, folios—the Title, Preface by the Archbishop, and “Table of Materis,” consisting of thirteen folios. The Catechism begins on the first folio, and concludes at folio ccvi, after which are three pages of errata, and the typographical notice—“Prentit at Sanct Androus be the command and expens of the Maist Reverend Father in God Johne, Archbischoep

the people. By means of all which it could hardly miss but most part of the people would quickly fall off, to men that not only put these divine oracles into their hands, but publicly taught and instructed them in the principles of Christianity, and who by a greater art of disputation than they had been accustomed to hear, suggested unto them the weakness and insufficiency of such doctrines and practices as they had formerly been most conversant about.

Under these disadvantages lay the government of Scotland both in Church and State at the time preceding the reformation of religion. And though perhaps several other circumstances might concur, yet I suppose even these already mentioned may give the reader a pretty tolerable guess what success an attempt of a change in religious matters might, humanly speaking, be attended with.

*What sort of Reformation might rationally be expected
from that view.*

Finally, as to the manner whereby an alteration in religion should be carried on. The situation of our public affairs, and the aversion of our sovereigns to any such alteration, will probably afford us no great prospect of regularity to be observed therein. The only thing, in that juncture, that could have contributed to a just and moderate change, would have been the discretion of the new preachers and the disinterestedness of the nobility. But since that likewise was wanting, alas! what confusion and disorder must of necessity ensue? It is true, indeed, the wealth of the Church, which was, no doubt, one great bait

of Sanct Androus and Primat of the haill Kirk of Scotland, the xxix day of August, the zeir of our Lord M.D.LII." It does not appear what number of copies was printed, or whether it was literally sent to all the parishes. The Catechism was authorized by the sixteenth Canon of the Provincial Council which met in the church of the Black Friars at Edinburgh on the 26th of January 1551-2, and is a general summary and exposition of the principles of the Church of Rome written with great care, moderation, and considerable eloquence in the Scottish vernacular. It must, however, have been little known to the people, and Lord Hailes justly observes that the Council which enacted it "used as many precautions to prevent it from coming into the hands of the laity as if it had been a book replete with the most pestilent heresy." Provincial Councils, p. 36.—E.]

to allure the nobility and gentry to favour an alteration in religion, had formerly served exceedingly well to provide the younger sons and daughters of families with livings suitable to their rank and dignity. And therefore it might be expected that a great part of the church-rents would be left undilapidated for that very purpose, especially considering that these rents were in some sort unalienable, and so remained a sure and certain fund for this provision; whereas, were they once ravished from the Church, and enhanced by particular families, they might sooner or later come to follow the common fate of temporal estates, and so be of no long use to the descendants of those who should obtain them. But our great men could not endure to look so far forward; and the love of present gain so much prevailed with them against all prudent considerations, that the mob itself, influenced by the preachers, was not more keen to throw down the buildings, than the nobility and gentry were to plunder the revenues of the Church.

I thought here to have put an end to this Introduction; but when I considered that the following History is to treat of the reformation of religion within our kingdom, I thought it not unfit here likewise to present the reader with some account, how it first fell out that any change in that religion, which had been established for so long a space, came to take effect in other parts of the Christian world, and thereby to pave the way for its reception in this country.

Pope Leo X. grants Indulgences for the payment of money, but his Bull meets not with a general good reception for several reasons—The form of the Indulgence granted by the Managers—Dr Martin Luther opposes the sale of the Indulgences, and gains a considerable party—Whereupon several persons that adhered to his sentiments were put to death in different places, and in the Kingdom of Scotland.¹

III. In the year of our Lord 1517, James V. of that name being King of Scotland, and Henry VIII. King of

¹ [Bishop Keith's remarks in this section of his "Introduction" are so general as to render additional observations or notes unnecessary. Every one is now familiar with the rise and progress of the great movement in Germany known as the REFORMATION, so far as Luther was concerned.—E.]

England, the Papal authority received so formidable a blow, and a rise was given to such a surprising ecclesiastic revolution in Germany, where at that time Maximilian I., and soon after Charles V. his grandson, was Emperor, that the like thereof had not fallen out from the first institution of that polity. The occasion of it was thus :—

John de Medicis, a young and expensive man, having been raised to the dignity of the supreme Pontificate in the year 1513, by the name of Leo X. did, by his private extravagant manner of living, and the great sums he laid out on the building of St Peter's Church at Rome, begun by his predecessor Julius II., reduce himself to such straits for want of money, that he judged it expedient and was advised to have recourse to the method of Indulgences, for obtaining a supply. By Indulgences is meant a freedom from suffering the punishment due by the divine justice for sin; and of this dispensing power, or granting Indulgences, the Pope, as vicar of Jesus Christ upon earth, pretends to be the sole arbiter and manager. Nor was this the first time that these Heads of the Church had thought fit to grant this favour for the payment of a piece of money; and particularly the very last Pope had put his hand, if I am not mistaken, to this part of the Church's treasure.¹ Whether, therefore, the frequency of this extraordinary spiritual favour made it be less valued and regarded, or that the people of Germany were generally disgusted, when they understood that the moneys that should arise in the northern parts thereof, from the Indulgences granted at this juncture, were all assigned to the Princess of Cibo, the Pope's sister, in satisfaction and for extinguishing of sums of money formerly afforded by that lady to her brother, before he came to be Pope, I shall not take it on me, nor is it my business here to determine. Only this is certain, that the scheme did not now meet with that hearty approbation and compliance, which no doubt was looked for by the Court of Rome. There were likewise some circumstances in the management of the Indulgences at this time, that did not a little contribute to the disreputation of them,

¹ [Julian della Rovere, a Genoese, was elevated to the Pontificate in 1503, and adopted the title of Julius II. He presented James IV. with the Sword of State, on which his name appears, forming part of the Regalia of Scotland preserved in the Castle of Edinburgh.—E.]

such as the¹ farming them out to public officers ; the farmers exposing them by public criers to the best bidder ; the scandalous behaviour of the farmers, by squandering away much of the money they received in taverns and infamous houses ; the outcries of many poor persons, who justly complained that the ordinary alms given by the rich, was much diminished by their traffic for Indulgences ; and, finally, the too extensive form of pardon that was granted to the purchasers.

And because it is not improbable that this last circumstance gave as great ground as any other to the subsequent opposition that was made to the free course of the Indulgences, I shall here set down in English the substance of the² form of Absolution as it was then given by John Tetzel, a Dominican Friar, and sub-commissary of this affair under Albert, Archbishop of Mentz, to whom the Pope had committed in chief the promulgation of the Indulgences in Germany :—" I absolve thee from all ecclesiastical censures, and from all thy sins, how enormous soever. And by this plenary Indulgence, I remit thee all manner of punishment which thou oughtest to suffer in purgatory ; and I restore thee to the sacraments of the Church, and to that innocence and purity which thou hadst at thy baptism, so as at death the gates of Hell shall be shut against thee, and the gates of Paradise shall be laid open to receive thee. In the name of the Father, and of the Son, and of the Holy Ghost. Amen."

During this spiritual merchandize there flourished in the University of Wittemberg, a certain professor named Martin Luther,³ a canon regular, looked upon by many to be the

¹ Seckendorf and Maimbourg, Hist. Lutheranism.

² See the complete original Form in the Appendix, No. I.

³ It is a pity to see what boundless and unmannerly freedoms the several parties of Christians allow themselves in reproaching each other. Since Luther's separation from the Church of Rome, those of that Church have handed about and published most bitter invectives against him, some whereof are as ridiculous as they are false, such as his having been begot by a devil upon his mother in the form of her husband. He was, by the concession of his very enemies, a man endued with a great genius and excellent abilities. He left the study of law and applied himself to that of divinity, upon occasion of one of his fellow-students having been struck dead by thunder in his presence, after which time he turned more internal and spiritual than are the generality of men. His reputation was

most learned of all his Order, and a principal ornament of this University lately set up in that city by Frederick Duke of Saxony. This man, who had sometime before made appear in his public disputations, that he was not altogether satisfied with the dry scholastic theology then in vogue, and that he laid but little stress on the sentiments of the later doctors, began now, in his sermons, to depreciate the value which some people were ready to put upon Indulgences. He represented them as ineffectual to salvation without a religious life—that they could not be much esteemed by any but soft, cowardly, or superficial Christians, who had not will nor courage to tread the paths of true religion—that nothing but the merits of Jesus Christ could redeem from damnation—and that, with respect to the furnishing of money for building St Peter's Church at Rome, he thought alms was in the first place due to the poor and indigent ; in the next place, to the building of churches in the parts where men have their residence ; and afterwards, if people had a mind, they might out of their superfluities bestow a share on St Peter's Church. These things he proposed at first with a good deal of modesty, and apparently, or rather certainly, without any formed design to make a breach from the Church, to which he professed that he submitted himself and all his doctrines, and wrote a letter to the Pope owning and acknowledging that his submission. And

so great, that his Order made choice of him to go to Rome to manage some of their affairs, which he did to so good purpose, that after his return the Vicar-General appointed him to be honoured with a doctor's cap, and the ceremony was performed at the expense of the Elector his sovereign. He was then only thirty years of age, and six years before this, viz. in the year 1507, he was received into the holy order of priests. He was doubtless a man of a very extraordinary fortitude, who had courage to oppose himself to the whole power of the Church. But if there was a divine hand in the affair, as it is very likely, certainly a man of his boldness was the proper instrument. Some people have observed, that according as his party prevailed, in proportion doth appear in his writings greater self-sufficiency and less dependence upon God. If it is so, it was certainly a weakness in him, but let the person that is without this sin first cast a stone at him. He was born at Islebe, in the county of Mansfeld in Saxony, on the 10th November 1483, and died there likewise on the 18th February 1546. It is not true that he first debauched a nun, and then set himself to oppose the Church ; for he did not marry Catherine Boren before the year 1524, nor was there any former unlawful dealing betwixt them.

indeed it is not easy to conceive, how it could ever enter into the mind of any one single person, at least one so inconsiderable, even supposing him to be pretty well supported, to be able to bring about so great an alteration in Church matters, as did in a very short space afterwards ensue. And it is more than probable, that if gentle and more prudent methods had been taken with him, that is, if the Pope and those entrusted by him had thought fit to condemn the certain and real abuses that Luther complained of, all the noise and bustle raised by him might have quickly been hushed. But their misfortune was that the quite contrary of this was practised; and the principal persons of the Dominican Order,¹ who thought themselves mostly concerned at this time, as having the whole management of the sale of the Indulgences committed to them, did by their writings and interest at Rome so widen the breach, that an accommodation became daily more difficult. The Pope, who, bating worldly interest, was not thought to be a great enemy to Luther, was brought over to publish a new Bull in confirmation of Indulgences, and in 1520 to excommunicate Luther. He, on the other hand, being an undaunted man, and finding his doctrine secretly applauded,

¹ This Order had increased in credit and reputation at Rome from its first foundation. The author of it was one Dominic, born at Calaroge, a village of Old Castile in Spain, in the year 1170. Pope Honorius III. granted him a Bull for his new projected society, under the title of Preaching Friars, i. e. fellows or brethren, on the 22d December 1216. Dominic himself, and one of his Order ever since, have been masters of the Pope's Palace. By this dignity, they were entitled to the power of nominating such persons as should preach in the Pope's own chapel, and even publicly to rebuke the preacher in the very presence of the Pope, if any thing was found to be reprehensible in the sermon. And the present Pope Leo X. had prohibited the printing of any book whatsoever at Rome, or in the district thereof, without the approbation of the Cardinal Vicar, and the Dominican master of the palace. The habit of the Order is a black garment above a white. With us, they were called Black Friars.—[Dominic de Guzman, the founder of the Dominicans, Black Friars, or Preaching Friars, was born about A. D. 1170 at Calagueraga, a small town in the Diocese of Osimo in Old Castile. He died in 1221, and was canonized by Pope Gregory IX. in 1235. It does not appear that one of the Dominican Order now holds the situation of Master of the Papal Palace. Leo X. was not the "present Pope," when Bishop Keith published this "History," but was the well known and celebrated Pope at the period of Luther's Reformation, to whom the author must allude. The passage is ambiguously expressed, as if the prohibition noticed was the act of Pope Clement XII., who filled the Pontifical Chair from 1730 to 1740.—E.]

was not idle ; he writes, protests, appeals, and at other times submits upon certain conditions. However, all ended in this, that he, who at first had bogled to call in question the Pope's authority, did afterwards disclaim it altogether ; and not only so, but having been highly nettled with the public burning of his Confession and doctrines, which he had now enlarged to a good bulk, he, in retaliation, burnt the Canon Law and the Pope's Bull, whereby all future hopes of a reconciliation were utterly lost. In fine, the fame of the man, and the solidity of his doctrines in the general, did gain so upon the world, that he soon saw himself master of a great many disciples and followers ; and the Church of Rome began to see her error too late in not gaining that despicable monk, as at first he was called, at any rate. Whole provinces and kingdoms did forsake her communion, and another such blow had done much to raze her from the very foundation. It was the sense of this great defection from the Church, that made the Bishops in the several kingdoms keep a very strict eye, and call in the aid of the secular powers to punish such persons as shewed any liking to the Lutheran heresy. Other kingdoms may perhaps afford more numerous examples of severity on this score, but this small and more remote country in which we live can likewise boast, that it hath not been sparing of blood to give testimony to what was believed to be truth. The instances will be seen in the following narration.

THE
HISTORY
OF THE AFFAIRS OF
CHURCH AND STATE IN SCOTLAND.

BOOK I.

FROM THE FIRST COMMENCEMENT OF THE REFORMATION
TO THE ESTABLISHMENT THEREOF ANNO 1560.

CHAPTER I.

CONTAINING AN ACCOUNT OF CHURCH AFFAIRS FROM THE FIRST
DAWNING TOWARDS A REFORMATION IN RELIGION ANNO 1527,
TO THE DEATH OF KING JAMES V. ANNO 1542.

 R PATRICK HAMILTON,¹ son to Patrick Hamilton of Kincavil, sometime Captain of the Castle of Blackness, being in his younger years provided to the Abbacy of Fearn in Ross-shire, had received at home some hint of the doctrines propagated by Luther ; and in his travels in Germany became acquainted with the principal persons that

¹ Mr [George] Buchanan tells us very gravely that he was nephew to the Earl of Arran and to the Duke of Albany, and Mr [John] Knox refers us to Mr Fox for an account of his birth, by whom we are told that he was of a high and noble stock, and of the King's blood. But it is worthy to be observed that his father was only a bastard of the Lord Hamilton. Vide Charters, Books 1. and 13. James IV. And if he was nephew to the Duke of Albany, his mother must likewise have been only a bastard of that Prince of the blood, seeing we hear of no daughter at all lawfully procreated by Duke Alexander : or if there had, it is not to be supposed that she would have been given in marriage to a bastard son of the Family of Hamilton. Every person will perceive that Mr Hamilton's birth has been magnified, merely to draw the greater odium of cruelty upon the clergy. But such indirect methods are very unbecoming, and much to be avoided. Archbishop Spottiswoode has been drawn into the same mistake by the fore-mentioned Historians.—[Sir Patrick Hamilton of Kincavil in Linlithgowshire was the illegitimate son of James second Lord Hamilton, created Earl of Arran in 1503 ; but he was legitimatised by charter under the Great Seal

supported the same. At his return into his own country, full of conviction of the truth of these sentiments, he adventured, in his discourses, to lay open the corruptions of the Church, and to discover the errors that were crept into the christian doctrine and worship. Mr Hamilton's management in this was so displeasing to the clergy, that he was soon after apprehended at St Andrews, whither he had been enticed to come under colour of a friendly conference, and the very next day was presented before the Archbishop of that See, assisted by the Archbishop of Glasgow, and several other Bishops and dignitaries; and the matter was so hotly pursued, that after a hearing or two he received a sentence declaring him heretic,¹ and giving him over to the secular power to be punished. And the same afternoon, being the last day of February 1527-8,² he was carried out and burnt before the gate of St Salvator's College in that city. His patience and constancy in the midst of the flames were so remarkable, that many persons scrupled not to say that he died a true martyr of Christ. Drummond attributes this execution to a revenge of a private quarrel against the Earl of Arran.³

After this execution several persons in all quarters of the kingdom began, of course, as it seldom fails in such cases, to

in 1512. Great Seal Register, lib. xviii. number 136. The Abbot of Fearn was his younger son by Catherine Stuart, an illegitimate daughter of the Duke of Albany, brother of James III. He was merely titular Abbot of Fearn in Ross-shire, for he does not appear to have been in holy orders.—E.]

¹ See the Articles of Heresy specified in the sentence pronounced against him, Appendix, Number II.

² Some say the 1st day of March; and perhaps the sentence of the secular judge might not have been given till the next day after the ecclesiastic sentence, which bears date the last day of February; or perhaps the different account may have arisen from there being twenty-nine days in February that year.

³ [The statement by Drummond of Hawthornden is as follows:—"About this time the Archbishop of St Andrews and other churchmen, in revenge of the spoiling of his houses and pursuing himself, for various questions of religion burn the Earl of Arran's brother's [illegitimate] son, Mr Patrick Hamilton, and banish Mr Patrick's brother James, sheriff of Linlithgow." History of Scotland from the year 1423 to the year 1543. Glasgow edition, 1749, p. 252. This reference to the opinion of Drummond of Hawthornden cannot be supported by any satisfactory evidence. It is clear that the fate of Hamilton was intended to terrify the people, and it was more than probable, so hastily was the execution carried into effect, that some days elapsed before Arran knew any thing of it. In reality, he had no time to interfere if he had been inclined, for he was at his own castle, nearly eighty miles from St Andrews.—E.]

inquire into the articles for which Mr Hamilton had been so severely treated, and many did entertain favourable sentiments concerning them ; and divers of the religious themselves did from that time forward declaim openly against the lewd behaviour of their brethren the clergy ; and particularly in that Lent one Seton,¹ brother to Ninian Seton of Touch, of the Dominican Order, who was confessor to the King, assumed the courage to recommend some of the new doctrines from the pulpit. And when, in his absence at Dundee, another of his own order had taken upon him to refute these doctrines, Mr Seton at his return to St Andrews did boldly confirm what he had formerly taught, and besides did declare to the people the virtues, which St Paul requireth to be found in a good and faithful bishop. This piece of freedom was not a little grating to the generality of the clergy ; and they found the less difficulty to bring him into discredit at Court, because, as it is reported, he likewise had used much freedom in reproving of the King. So that Mr Seton, perceiving the King's countenance to be altered towards him, and dreading the power and influence of the clergy, thought fit to retire from Court into England. But before he went farther, he stopt some time at Berwick, from whence he wrote a letter to the King,² in which he declares the occasion of his sudden departure, and begs the King would be pleased to communicate the same to the clergy. But no answer having been returned to his letter, Mr Seton proceeded afterwards on his journey to London.

The next sufferer was Henry Forrest, a young Benedictine friar,³ born in Linlithgow, who was burnt at St Andrews about 1533 for saying that Mr Hamilton was a good man, that the articles for which he had been condemned might be well enough defended, and that he died a martyr. Whilst consultation was held upon the manner of his execution, John

¹ [Alexander Seton. He was afterwards accused of heresy before Gardiner, Bishop of Winchester, in 1541, and was induced to renounce his opinions. It is said that he died the following year in the family of Charles Brandon, Duke of Suffolk, to whom he officiated as chaplain.—E.]

² See Appendix, Number III.

³ The founder of this order was one Benedict, born in the year 480 at Nursi in the Duchy of Spoleto in Italy. It has been the greatest Order of all the rest ; and has produced, besides a world of holy and learned men, many Popes, Cardinals, some Emperors, Empresses, Kings, and Queens. The colour of this Order is black.

Lindsay, one of the Archbishop's gentlemen, offered his advice, for he was a plain simple man, to burn Friar Forrest in some hollow cellar; for, said he, the smoke of Mr Patrick Hamilton hath infected all those upon whom it blew.

In the year 1534, Norman Gourlay and David Straiton, two gentlemen, were brought to their trial at Holyroodhouse, before the Bishop of Ross, who sat judge by a delegation from the Primate, the then Ordinary of that place.¹ The King, who was present at the trial, laboured much to have them recant what was laid to their charge, or burn their bill,² as the phrase was at that time, as he had persuaded some others to do; but they persisted in their profession, and were burnt at one stake on the 27th day of August, at Greenside.³ The Pope granted the King this year, or the preceding, the tenth of all ecclesiastical benefices for three years; which was done, as some persons have said, in order to render the King more hearty in giving way to the prosecution of heretics.

Four years after this there was a meeting of Bishops at Edinburgh, where the following persons were accused and condemned, viz. Killor⁴ and Beverage,⁵ two Black Friars; Sir

¹ [This Bishop of Ross was James Hay, who sat as Commissary for Archbishop James Beaton of St Andrews, in whose Diocese the Court was held. A part of the present Palace of Holyroodhouse was founded by James IV., and the south-west portion by James V. (See "*Liber Cartarum Sanctæ Crucis: Munimenta Ecclesiæ Sanctæ Crucis de Edwinesburg*," printed for the BANNATYNE CLUB, 4to. 1840, p. lv—lviii. lxxi—lxxiii.) This trial took place in the abbey church of Holyrood or the Holy Cross. Several persons were cited before the Court, some of whom appeared and recanted, but others fled. James and Catherine Hamilton, the brother and sister of Patrick Hamilton, were among the number summoned. The King advised the former, who was then sheriff of Linlithgowshire, to leave the kingdom as he could not save him, and he deemed it prudent to retire. His sister appeared, and escaped by an ingenious reply.—E.]

² The form of burning one's bill, or recanting, was this—the person accused was to bring a faggot of dry sticks and burn it publicly, by which ceremony he signified that he destroyed that which should have been the instrument of his death.

³ An open field close on the east side of the highway between Edinburgh and Leith, and near to the Calton.—[In the time of Bishop Keith this locality was an open field, but it is now covered with houses. It is a deep valley between the north side of the Calton Hill and the street at the head of Leith Walk opposite Picardy Place, and still retains the name of Greenside.—E.]

⁴ Alias Kello.

⁵ [Or Beveridge.—E.]

Duncan Simson of Stirling, a priest ; Robert Forester, a gentleman of the same city¹ ; and Thomas Forest,² a Canon-Regular of St Colm's Inch in the Frith of Forth,³ and vicar of Dollar in Perthshire. These five were burnt on the Castle-hill of Edinburgh the last day of February 1538-9.⁴

¹ [Stirling never ranked as a city, and is merely a royal burgh.—E.]

² Alias Forret, who, some say, was of the family of Forret in Fife, and that his father had been Master Stabler, i. e. (as I take it), Master of Horse to King James IV.

³ The Canons-Regular, (i. e. clergymen living together in one house under a set of rules after the manner of the ancient monks), do all own St Augustine, the famous Bishop of Hippo in Africa, for their founder. He was born at Thagaste, near Hippo, in the kingdom of Numidia, in the year 354. In process of time the Canons-Regular came to enjoy churches and benefices.

⁴ [The execution took place on the 1st of March. They were strangled, and their bodies were burnt. James V. witnessed this incrimination from the Castle of Edinburgh. In his "Household Book," under date March 1, 1539, is this entry—"Accusatio hæreticorum, et eorum combustio apud Edinburgh ; Rege presente." It appears that on this occasion the cases were chiefly from the town of Stirling and neighbourhood. Forrester, the only layman among those who suffered, was a notary. He had a relation, probably his brother, who was also accused of heresy, but who abjured or recanted, though his goods were confiscated with those of other burgesses of Stirling. Pitcairn's Criminal Trials, 4to, Edinburgh, vol. i. p. 252, 253. Two of the charges against Keillor the Dominican, and Forrest, the vicar of Dollar, were extraordinary. According to the Presbyterian writer Calderwood, they were libelled for being present at the *marriage* of a priest who was the vicar of Tullibody, a parish now suppressed, near Alloa, and having eaten animal food at the said *marriage*, which happened to be celebrated during Lent. Keillor's chief offence was that he had written a play or drama, such as those commonly personified among the people before the Reformation about Christmas and Easter, and in this play, which had been actually represented at Stirling on Good Friday before the King, he had impudently delineated the Bishops and clergy as the Chief Priests and Pharisees who persecuted our Saviour. Forrest, the vicar of Dollar, had been originally connected with the Monastery of St Colm, on the island so called in the Frith of Forth opposite Aberdour, and his first serious impressions were derived from the perusal of a volume of St Augustine, after his return from Cologne, where he was educated at the expense of a lady in Fifeshire. He had been often summoned before Archbishop James Beaton of St Andrews and Bishop Crichton of Dunkeld, but as those Prelates were indolent, and averse to severe measures, he was allowed to depart with an admonition. He was on this occasion accused of preaching to his parishioners of Dollar every Sunday from the Epistle and Gospel for the day—a duty which chiefly devolved on the Grey and Black Friars, who had previously complained of his encroachments on their privileges ; but the general charge against the whole of them was that of being "here-siarks, or chief heretics, and teachers of heresy."—E.]

The same year one Russell a Grey Friar,¹ and a young gentleman of the surname of Kennedy, were delated of heresy at Glasgow ; and, in order to secure their condemnation, some zealots² were dispatched thither from Edinburgh to spur forward the Archbishop of that See, Gavin Dunbar, who was looked upon to be too cool in business of that nature.

Mr Kennedy's tender years inclined him to some pusillanimity, but he was soon fortified by the exhortation of Russell, so as among other expressions he said—"Now I defy death ; do as you please ; I praise God I am ready." Russell having reasoned long and learnedly, says Bishop Spotiswood, against his accusers, and being answered with railings and bitter speeches, replied—"This is your hour and the power of darkness ; now ye sit as judges, and we stand wrongfully condemned, but the day cometh which will show our innocence, and you shall see your own blindness, to your everlasting confusion. Go on, and fill the measure of your iniquities." These words had a mighty impression on the Archbishop, insomuch that he was heard to say that these bloody executions did great harm to their cause ; but being overawed by his zealous assessors, who represented to him that he would not be esteemed the Church's friend if he should take any milder course than that which had been taken at Edinburgh, he gave way, and condemned the pannels to be burnt alive. However, it was found afterwards that this Archbishop had the best judgment in these matters : for though several persons were put in prison for being suspected of the heresy of Luther, and many were banished into foreign countries in this same year, yet it was quickly seen that the kingdom began to be divided much in point of religion ; nor was it in the power of the King and Council

¹ The founder of this order was one John, afterwards named Francis, born at Assisi, a town of Umbria in Italy, in the year 1182. Pope Innocent III. approved his institution in the year 1210, but it was not confirmed by a Bull till the 30th October 1223 by Honorius III. Those of his society behoved to possess nothing but live by alms. His habit was a grey coat, with a pointed cowl fixed to it ; but he allowed his monks to have two coats, if necessity required. They go barefoot, and wear a cord about their body, and are called Grey Friars.

² [The "zealots" were John Lauder, Andrew Oliphant, and a friar named Maltman.—E.]

to bear down the new opinions from gaining ground daily. But, as it generally happens in things of this kind, the greater the public persecution was the greater still was the number of those that embraced the cause of the sufferers.

In the harvest time of this year, 1539, died James Beaton, Archbishop of St Andrews.¹ He was son to the Laird of Balfour in the county of Fife, and had been twenty-two years Archbishop of Glasgow; and was Chancellor of the kingdom at the time of his translation to St Andrews, in which see he lived seventeen years. He had the misfortune to live in a time wherein the above mentioned persons were put to death by his authority, though we are told by a worthy successor² of his in that office, that his natural temper was neither violently set, nor was he much solicitous how matters went in the Church.³ Before his death he had not only for some time past committed the charge of all Church affairs to Cardinal David Beaton his nephew, but he had likewise nominated him to be his successor in the See of St Andrews. To which nomination the King after his death was pleased to consent, for the great affection he had for the old man, who had suffered much from the Earl of Angus' faction.

The new Archbishop, a man of whom much will come to be spoken, did very soon after his instalment take an

¹ Vide Sadler's Letters, p. 17.

² Archbishop Spottiswoode.

³ There is a merry story related of this Archbishop, which perhaps it may not be improper to insert here. The matter is this:—When the faction of the Earl of Arran had determined, by the concurrent advice of this Archbishop, who was then in the See of Glasgow, to lay hands on the Earl of Angus whilst he was in the city of Edinburgh with only a few of his friends and followers about him and suspecting no such deceit, as may be seen in our historians, Gavin Douglas, the famous translator of Virgil into Scottish verse, who was uncle to the Earl of Angus, and Bishop of Dunkeld, was sent to the Chancellor to beg him, according to his offices both spiritual and temporal, to use his interest to pacify the tumult that was like to ensue in the streets, and to rescue his nephew from the danger that threatened him. The Archbishop smote his breast with his hand, and said—"In conscience, my Lord, I cannot help it." But his Grace, not being aware that he had under his gown a coat of mail, the armour happened to give a sound by the clap of his hand, whereupon the Bishop of Dunkeld answered—"Ay, my Lord, I think your conscience clatters," i.e. rattles, or is hollow. The Earl of Angus unexpectedly prevailed against the Earl of Arran, who was fain to save himself by swimming over the North Loch on horseback; and in the fray, which fell out on the last day of April 1520, and was afterwards called *Cleanse-the-Causey*, his Lordship lost about eighty of his followers.

opportunity to make a shew both of his own grandeur, and of his sincerest intentions to prosecute all those who at that time were termed heretics ; for he brought to St Andrews a great many persons of the first rank, both ecclesiastics and laics, to whom, being assembled in the cathedral church of that city, he from a throne erected for the purpose did represent the danger wherewith the Church was threatened by the increase of heretics, who had the boldness to profess their opinions even in the King's Court, where, said he, they find but too great countenance ; and he mentioned by name Sir John Borthwick, commonly called Captain Borthwick,¹ whom he had likewise caused to be cited to that diet for dispersing of heretical books, and for maintaining divers articles repugnant to the received faith ; and he concluded with a desire to those that were present, for obtaining their concurrence and assistance in the execution of justice against him. Then the articles of his accusation were read, but

¹ Knox says he was or had been Provost of Linlithgow, and Sir Ralph Sadler in his negotiations calls him Lieutenant of the French King's Guard.—[Sir John Borthwick was received with open arms by Henry VIII., who sent him on an embassy to the Protestant Princes of Germany with the view of forming among them a defensive league against the Pope. Johnston, in his "Heroes of Scotland," says that "Sir John Borthwick, a noble knight, was as much esteemed by King James V. for his exemplar and amiable qualities, as he was detested by the order of the priesthood on account of his true piety, for his unfeigned profession of which he was condemned, and though absent, his effects confiscated, and his effigy, after being subjected to various marks of ignominy, burnt.—This condemnation he answered by a most learned apology which may yet be seen in the records of the martyrs, and, having survived many years, at last died in peace in a good old age." Johnston refers to Fox's "Book of Martyrs," which is a very partial and suspicious authority. See the Articles against Sir John Borthwick in the Appendix to the present volume, No. IV., and Fox, p. 1149, 1150. Sir John Borthwick is said to have been one of the sons of William third Lord Borthwick, who fell at Flodden in 1513. He is described in a charter under the Great Seal, 21st August 1513, as next in succession to the son and heir of William fourth Lord Borthwick. Knox and other writers call him Captain Borthwick, and Sir Ralph Sadler in 1539-40 mentions him repeatedly as Lieutenant of the French King's Guards, and as a confidential and favourite servant of James V. Sir John died between the years 1565 and 1570, at which latter date William Borthwick is mentioned as son and heir of the deceased Sir John Borthwick of Cinery, Reg. Mag. Sigil. lxxxiii. No. 55. Information by Principal Lee of the University of Edinburgh, in the Notes to "Wodrow's Biographical Collections," Glasgow, 4to, 1834, printed for the MAITLAND CLUB, vol. i. Part II. p. 457, 458.—E.]

neither Sir John, nor any person having a procuratory for him, offering to appear, he was found guilty, and a severe sentence was pronounced against him on the 28th of May 1540;¹ conformable to one part of which sentence his effigies were burnt the same day in St Andrews, and two days after at Edinburgh. Captain Borthwick after this retired into England, and was employed by King Henry to treat of a confederacy betwixt him and the Protestant Princes of Germany. Yet all the stately appearance and formidable severity of the Cardinal did not so far terrify the people but that many of them fell off daily from the Church; so that the Cardinal and the other Prelates, being very much vexed at the great increase of the favourers of the new opinions, and being desirous by all means to keep them under at least, if they should not be able totally to extirpate them, gave advice to the King, as some have said, to lay heavy taxes and impositions on those whom they called heretics. And this advice being given to the King at a time when they foresaw he might stand much in need of money, by reason of an impending war from England, his Majesty went the more easily into it, and for that purpose gave commission, according to the nomination of the clergy, to Sir James Hamilton of Finnart,² natural brother to the Earl of Arran,³ to convene before him all persons suspected of heresy, and to inflict the punishments they should be found to merit.

This Sir James Hamilton is said to have been a man every way qualified for this commission, being both ambitious and cruel; and whereas he had been lately in some disgrace with the King for being too much of a party with the Douglasses,⁴ he resolved now to insinuate himself into favour by some eminent acts of severity. But the providence

¹ See Appendix, Number IV.

² [It is said that a promise was made to the King of 30,000 ducats of gold annually, and 100,000 ducats more out of the estates of condemned heretics, if he would appoint a judge in heresy. Sir James Hamilton was the architect of that part of Holyrood Palace erected by James V., and other royal edifices. For an account of his fate see the History of Scotland by Drummond of Hawthornden, Glasgow edit. 1749, p. 285-288.—Appendix of Additional Documents in the present volume, No. I.—E.]

³ Mr Buchanan thinks fit to call Sir James a bastard of the Family of Arran. It seems that author can tell the whole truth, or a part only, just as it makes for his purpose.

⁴ See concerning the Douglasses in the following Chapter.

of God soon permitted an end to be put to his inquisition. For another James Hamilton, brother to Mr Patrick Hamilton, the first sufferer upon account of religion, and who had formerly been sheriff of Linlithgow, and was forced to leave the country for abetting the new doctrines, but had now obtained a licence for some months to return home and put his private affairs in order, finding the whole censorian power to be lodged in his cousin's hands, and trusting to the bonds of consanguinity, had ventured to continue longer in the country than his licence gave him protection.¹ But he was quickly made sensible of his mistake; for Sir James, being desirous to show his zeal in favour of the clergy, had fully determined to make his cousin first of all feel the effect of his power. Mr Hamilton, perceiving the danger he was in, but knowing withal that Sir James stood in some umbrage with the King, and judging that an after game might be dangerous, designed to be beforehand with him. For this purpose he directed his son to the King, just as he was ready to cross the water² to go into Fife, advertising his Majesty that now there was great necessity to take care of his preservation, for that Sir James Hamilton was in concert with the Douglasses, against whom the King bare an irreconcilable hatred, to assassinate him somehow or other, and that he only waited for a convenient time to put his wicked designs in execution. The King, who was never regardless of any thing that was proposed for the safety of his life, dispatched the young gentleman to Edinburgh, and gave him his ring to be delivered to the Privy Council as a token of the truth of the message. The Council,³ receiving the information from the young man, immediately caused Sir James to be apprehended, and shut up in

¹ So is the story related by Drummond, and in the "Miscellanea Scotica," we are told that Mr Hamilton never thought himself safe while Sir James was President of this new Court, who, though his near relation, was yet his mortal enemy, because when Mr Hamilton was sheriff he had given a cause against Sir James. But if the word *indicium* ought to be read for *judicium*, in the place where Mr Buchanan writes of this matter, as some learned critics think it should, then it would appear that Mr Hamilton had obtained licence to come home on design to accuse Sir James.

² [The "water" mentioned is the Frith of Forth.—E.]

³ Both Buchanan and Drummond make mention of Sir James Lermonth, Master of the King's household, Sir James Kirkaldy, Treasurer, and Sir Thomas Erskine, Secretary, to have been the principal persons at

the Castle of Edinburgh, till a legal trial should be made of the crimes laid to his charge, in order to which a criminal court was held at Edinburgh on Monday the 16th day of August 1540,¹ in which Sir James was condemned to lose his head. It is a good enough observation which is made by one of our historians,² after his relating of this back-blow of fortune, namely—"That it is dangerous once highly to offend a prince, and afterwards remain in his service, for princes put old offences up as if neglected and forgot, and when occasion serveth them, they surprize long after the delinquents for some faults of which they are scarce guilty." It is likewise said by the same historian—"That this sudden downfall of Sir James Hamilton did mightily chill the spirits of sundry of the nobility, who, though they loved not the man, yet hated the example of such strict justice."³

Some of our historians tell us that the clergy, not being at all abashed with the first misgivings of the project by the downfall of Sir James Hamilton, did again renew the same request to the king; and that they delivered to his Majesty a paper in which were contained the names of about 360 persons,⁴ noblemen, gentlemen, and others, who were suspected of heresy; and with whose estates, they said,

least to whom the King sent his orders at this time, and who accordingly went to Sir James Hamilton's house and apprehended him.

¹ Registers, King James V. Our historians wander much both as to place and time of this criminal court.

² Drummond.

³ This is the common report of all our historians, but if there was any thing censurable in point of justice done at this court the nobility and gentry had themselves to blame for it, and not the King; for by the public records the inquest or assize consisted of these following persons, viz. George Earl of Huntly, James Earl of Arran, William Earl Marischal, William Earl of Montrose, Gilbert Earl of Cassillis, John Earl of Atholl, Hugh Earl of Eglinton, Robert Lord Maxwell, Hugh Lord Somerville, Henry Lord Methven, Malcolm Lord Fleming, Sir William Cunningham Master of Glencairn, Hugh Lord Fraser of Lovat, William Lauder of Hatton, William Cunningham of Glengarnock, David Ramsay of Dalhousie, James Douglas of Drumlanrig, Robert Mowbray of Barnbogle, Sir John Melville of Raith, John Lord Lindsay of Byres, James Lundie of Balgonie. And the articles libelled against him were his devising and attempting the King's death three or four several times.

⁴ [This story is very doubtful, and must be received with great caution. It is not likely that either the clergy would have advised, or the King would have seriously designed, such a dangerous project as to deprive so many "noblemen, gentlemen, and others," of their estates.—E.]

the King might enrich himself, and provide for his security against the attempts of his uncle the King of England, if he should think fit to make war upon Scotland upon account of our King's having refused to meet him at York; in which case they likewise promised to afford the King a large sum of money. After presenting this list to the King, we are informed that Kirkaldy of Grange,¹ then Lord Treasurer,

¹ [Sir James Kirkaldy of the Grange, in the county of Fife. Beatson, in his "Political Index," vol. iii. p. 84, mentions him as holding the office of Lord High Treasurer from 1548 to 1555, instead of from 1540, which is Bishop Keith's statement. According to the former, Robert Cairncross, Abbot of Holyroodhouse and Bishop of Ross, was Lord High Treasurer from 1537 to 1546, when he was succeeded by John Hamilton—illegitimate brother of the Regent Arran—then Abbot of Paisley, afterwards Archbishop of St Andrews, who held the office till 1548, when Sir James Kirkaldy was appointed. Bishop Keith, however, has followed Crawford in his "Lives of the Officers of the Crown and of the State in Scotland" (p. 374), who states, on the authority of Archbishop Spottiswoode (History of the Church and State of Scotland, p. 109), that he was "advanced to be Lord Treasurer upon the removal of the Abbot [Robert Cairncross] of Holyroodhouse, the 24th of March 1537." This is corroborated by the records of the Parliament. In that held in 1540 occurs on the roll—"Ja. Kirkaldy, Thesaurer" (Acta Parl. Scot. folio, vol. ii. p. 356), and in the first Parliament of Queen Mary, held in 1542, the lands and barony of Kinghorn are mentioned as connected with some proceedings on the part of "John sometime Lord Glammiss," ancestor of the Earls of Kinghorn, also created Earls of Strathmore. The lands and barony of Kinghorn then belonged to Sir James Kirkaldy of Grange, "Thesaurer to our Soverane Lady, by virtue of the gift made to him thereof by umquhile our Soverane Lord, whom God assoilzie, as his charter and infeftment made and given to him thereupon manifestly purports." (Acta Parl. Scot. folio, vol. ii. p. 414). Sir James Kirkaldy, notwithstanding all the efforts of Cardinal Beaton to disgrace him as an avowed favourer of the Reformation, retained the favour and confidence of James V. till the death of that monarch. When that King was on his way to Falkland Palace after the rout of his army at the Solway Frith, he lodged one night in the mansion of Hallyards, which then belonged to Sir James Kirkaldy, whose lady, designated by Knox "ane ancient and godly matron," received the broken-hearted sovereign with much courtesy. In the above mentioned Parliament of 1542, Sir James Kirkaldy appears among "the names of the Lords to be upon my Lord Governor's [Arran's] Council, and six to be aye present at the least." (Acta Parl. Scot. folio, vol. ii. p. 414). He was superseded, however, by the influence of Cardinal Beaton in 1543, and in the Parliament held that year John, Abbot of Paisley, appears as "Thesaurer." Sir James Kirkaldy was implicated in the conspiracy against the Cardinal, and his eldest son was present at the inhuman murder of that prelate on the 27th of May 1546 in the castle of St Andrews. For this he was forfeited, and the lands and barony of Kinghorn were restored to John seventh Lord Glammiss, whose attainder was rescinded, and his honours and estates restored, by Parliament in March 1543. Sir James

dissuaded his Majesty much from pursuing any such advice; and that the King thereupon did call some of the clergy to him, and spoke to them in these terms, as recorded by Mr Knox—"Pack, you Jefwellis, get you to your charges, and reform your own lives, and be not instruments of discord betwixt my nobility and me; or else I vow to God I shall reform you, not as the King of Denmark by imprisonment doth, neither yet as the King of England doth by hanging and heading, but I shall reprove you by sharp punishments if ever I hear such motion of you again."¹ And Sir James Melville² adds that the King should have said—"I shall

Kirkaldy returned to Scotland in 1550, and by the mediation of the Queen Regent, mother of Queen Mary, made his peace with the Government, by which he obtained repossession of his property. He lived quietly till his death, which happened about 1558. He was the father of the celebrated Sir William Kirkaldy of Grange, and of Sir James Kirkaldy, who were both most unjustly and infamously hanged by order of the Regent Morton at the Cross of Edinburgh on the 3d of August 1573, on the false charge of rebellion, for holding out the Castle against his authority.—E.]

¹ [This anecdote occurs in Knox's "History of the Reformation of Religion in the Realm of Scotland," London, edit. folio, 1654, p. 30; and in p. 28 of another folio edition printed at Edinburgh in 1732, purporting to be "taken from the original manuscript in the University Library of Glasgow, and compared with other ancient copies." In the London edition the King is made to say to the clergy—"Pack, you jugglers;" in that of Edinburgh the words are—"Pack, you josrells;" and Bishop Keith transcribes them—"Pack, you Jefwells." The Bishop has inserted the right word. A *Jefwell* or *Jewel* is a contemptuous term, the meaning of which is now lost. Dr Johnson renders it a "wandering or dirty fellow," and another explains it as a trifler. (Jamieson's Etymological Dictionary of the Scottish Language, vol. i. *sub voce*). The word occurs again in Knox's History. Knox makes Chalmers of Gatgirth address the Queen Regent on a certain occasion—"Madame, we know that this is the malice and devise of these Jefwells, and of that Bastard"—meaning Archbishop Hamilton of St Andrews. History, Edinburgh edit. 1732, p. 94.—E.]

² [Sir James Melville, an eminent courtier in the reigns of Queen Mary and James VI., and author of the well known "Memoirs of Affairs of State in England and Scotland" during his own times, a correct edition of which was printed by the Bannatyne Club in 1827, was the son of Sir John Melville of Raith near Kirkcaldy, one of the murderers of Cardinal Beaton, and of Helen, elder daughter of Sir Alexander Napier of Merchiston who fell at the Battle of Flodden, great-grandfather of John Napier, the inventor of Logarithms. It is appropriately said of Sir James Melville that in his character little occurs worthy either of respect or admiration, but he lived in an age when those who were not actual murderers or traitors were considered of a comparatively high standard of morality.—E.]

stick you with this whingar," and therewith he drew out his dagger, and they fled from his presence in great fear. Mr Knox says this same roll was offered of new to the King immediately before he went to the Borders, in order to engage the English at Solway Moss; and that then the scroll was thankfully received by the King, and put into his own pocket, where it remained to the day of his death, and then was found. However, he only says that in it were contained more than one hundred landed men, besides others of meaner degree, among whom was the Lord Hamilton himself,¹ then second person of the realm. What may be the truth of this story, either first or last, I shall not take upon me to affirm or deny. It is certain that the Earl of Arran, in a conference with Mr Sadler, mentions himself as having been one of this roll; but whether his Lordship said so from his own knowledge of the fact, or by report only, is the main question.² Whereas it is said that the roll was found in the King's pocket after his death, that seems not to be very probable, seeing it is allowed by the Earl of Arran likewise, in a discourse with the same gentleman, and by all our

¹ [Subsequently James second Earl of Arran. He succeeded his father who fell at the conflict near Linlithgow, where he commanded the royal army against his nephew the Earl of Lennox, in 1528. He was the grandson of Sir James Hamilton of Cadzow, created Lord Hamilton in 1445, and the Princess Mary, daughter of James II., and relict of Thomas Boyd, Earl of Arran. His father married, as his third wife, Janet, daughter of Sir David Beaton of Crieich, Comptroller of Scotland, and the issue were the second Earl of Arran, two sons, and four daughters. In 1542, on the death of James V., the Earl of Arran was unanimously chosen Regent or Governor of Scotland with the applause of the people; and the Estates of Parliament passed an Act on the 13th of March 1542-3, declaring James Earl of Arran, Lord Hamilton, to be the second person of the realm, and nearest to succeed to the Crown, "failing our sovereign lady and the children lawfully to be gotten of her body." (*Acta Parl. Scot. folio, vol. ii. p. 411*). One of the first statutes of the Regent Arran was an Act allowing the Scriptures to be read in the vulgar tongue. He is subsequently known in Scottish history as the Duke of Chatelherault.—E.]

² [The above story is very apocryphal, and Bishop Keith rightly assigns to it no more importance than mere rumour. It is undeniable that such a list was in existence, but public scandal only accused Cardinal Beaton as the projector, and we find the Earl of Arran distinctly stating that, though he was one of the number proscribed for confiscation, the King himself, and not the Cardinal, caused the list to be prepared. The manner in which the King intended to accomplish his project, if he ever seriously entertained it, is not apparent. No such list was found in the King's possession at the time of his death in Falkland Palace.—E.]

historians, that Cardinal Beaton was about the King at the time of his death. And it is not very likely that his Eminence would let such a paper fall by, or escape him, which he was sure could not fail to create him a world of trouble. To blunder in so gross a manner was no part of the Cardinal's character.

But not to trouble the reader any longer with uncertain accounts and guesses, I shall here present him with a view of the several unprinted¹ Acts of Parliament that passed touching religion during this King's administration until the time of his death; for by these he will best discover what his Majesty's thoughts and intentions were concerning it. See also an original dispatch mentioned in the next Chapter.

“ 12th June 1535.—*Act against Heretics for eschewing of Heresy within this realm, and the pains thereof.*²—Our Sovereign Lord ratifies and approves the statute made of before by his Highness, in his Parliament held at Edinburgh the 17th day of July, the year of God 1525 years, against those who hold, dispute, or rehearse the damnable opinions of the great heretic Luther, his disciples and followers, or of any other heresy, with new addition, of which Act and addition the tenor follows:—And our said Sovereign Lord, for the zeal and love his Highness bears to the Christian faith and the Holy Kirk, ordains and statutes the said act of new. *Item*, It is statute and ordained, that forasmeikle as the damnable opinions of heresy are spread in divers countries by the heretic Luther and his disciples, and this realm and lieges thereof have firmly persisted in the

¹ [Not now *unprinted*, as the Bishop himself inserted them in this “History,” and as all the Acts of the Scottish Parliaments from 1424 to 1707 were printed by command of George III. See the conclusion of the Biographical Sketch in the present volume.—E.]

² [See Acta Parl. Scot. vol. ii. p. 295, 341, 342. It may be here observed that printing was first introduced into Scotland under the auspices of James IV., and it appears from a grant under the Privy Seal, September 15, 1507, that one of the first purposes to which the King directed the Act to be applied was “the imprinting within the realm of the books, laws, acts of Parliament,” &c.; but this work was never completed. No other books had been printed in Scotland previous to 1525, and hence the purport of the Act was to exclude the importation of the writings of Luther and his followers from the Continent. Their works, however, found their way into Scotland in defiance of every prohibition.—E.]

holy faith since the same was first received by them, and never as yet admitted any opinions contrary [to] the Christian faith, but ever have been clean of all such filth and vice : Therefore, that no manner of persons, strangers that happen to arrive with their ships within any port of this realm, bring with them any books or works of the said Luther's disciples, or servants, dispute or rehearse his heresies or opinions, except it be to the confusion thereof, and that by clerks in the schools allenarly, under the pain of escheating of their ships and goods, and putting of their persons in prison ; and that this Act be published and proclaimed throughout this realm at all ports and burghs of the same, so that they may allege no ignorance thereof, and that other the King's lieges, assistants to such opinions, be punished in a similar manner ; and that none of them have, use, keep, or conceal any books of the said heretics, or containing their doctrine and opinions, but that they deliver the same to their Ordinaries within forty days under the pains foresaid ; and the effect of the said Act to strike upon them, and letters to be directed to make publication hereof, in form as effeirs.

“ *Eodem Die.*—*Against those who sustain the process of cursing by the space of forty days.*—*Item,* Because the damnable persuasions of heretics, and their perversed doctrine, give occasion to lightly (despise) the process of cursing and other censures of Holy Kirk : For remeid hereof our Sovereign Lord, in this present Parliament, has ratified and approved, and of the new makes, constitutes, and ordains the Act made of before by his Grace, with the advice of the Three Estates of this realm in this foresaid Parliament, against those who sustain contemptuously the process of cursing with new addition thereto : Of the which Act and addition the tenor follows—*Item,* It is statute and ordained, that because many and divers of the King's lieges of this realm lie under the horrible sentence of cursing, separate from the suffrage and prayer of the Kirk and merit of the blood of Christ, to the damnation of their souls, evil example, peril and danger of the other good subjects of the realm : Therefore, when any of our Sovereign Lord's lieges sustain damnably the said horrible sentence of cursing for the space of forty days, whereupon

caption ought to be given by the law, the party at whose instance the persons are cursed shall have our Sovereign Lord's letters to poind, press, and distress their goods, moveable and unmoveable, for payment of the sums for which they lay under the said sentence. And if the said persons lie under cursing by the said space for not doing or fulfilling of any act or deed, in that case the persons their creditors shall have letters in the first, second, third, and fourth forms, according to the Ordinary's letters of cursing, and this Act always to be no prejudice to them that like to take captions. And although one person may be under appellation that may stop the giving of such letters in manner above written, it is declared and ordained that no appellation from sentence of defection of appellations before interponed, shall stop the giving of such letters."

N.B.—The reader will find an addition to this Act among the printed Acts.

" 14th March 1540-1.—*That no man argue the Pope's Authority.—Item,* That no manner of persons argue nor impugn the Pope's authority under the pain of death, and confiscation of all their goods, moveable and unmoveable.

" *Eodem Die.—For reforming of Kirks and Kirkmen.*—Because the negligence of divine service, the great dishonesty in the Kirk through not making of reparation to the honour of God Almighty, and to the blessed Sacrament of the Altar, the Virgin Mary, and to all holy saints; and also the dishonesty and misrule of Kirkmen, both in wit, knowledge, and manners, are the matter and cause that the Kirk and Kirkmen are slighted and contemned: for remedy thereof the King's Grace exhorts and prays openly all Archbishops, Bishops, Ordinaries, and other Prelates, and every Kirkman in his own degree, to reform themselves, their Obediences and Kirkmen under them, in habit and manners to God and man; and that you cause in every kirk within your diocese under your jurisdiction, cure, rule, reparations and reparation to be honestly and substantially made and done to the honour of God Almighty, the blessed Sacraments, and divine service, every kirk after the quality and quantity of the rents. And if any persons allege themselves exempt, and will not obey nor obtemper to their superior, in that behalf the King's grace shall find

remeid therefore at the Pope's Holiness, and such like, against the said Prelates, if they be negligent.

“ *Eodem Die.*—*That no private Conventions be made to dispute on the Scripture.*—*Item,* That none hold, or let be holden in their houses or otherwise, congregations or conventicles to commune or dispute of the Holy Scripture, without they be theologies approved by famous universities, or admitted thereto by them that have lawful power. And in likewise that no man, whatsoever state or condition he be, lodge, receive, cherish, nor favour any heretic. And in case any receive or know where they are, [they] shall incontinent denounce and accuse them to the next lawful officer of justice, under the pain to be punished as heretics.

“ *Eodem Die.*—*Of persons abjuring Heresy.*—*Item,* If any heretics have been abjured, or otherwise have been admitted lawfully to penance and grace, none of them shall converse nor commune with others on any matters touching our holy faith, under the pain to be held as relapsers; and always that no persons that have been suspected of heresy, howbeit they be received to penance and grace, shall in this realm exercise, have, nor bruik [enjoy] any honest estate, degree, office, or judicatory, spiritual or temporal, in burgh or without, nor nowise shall be admitted to be of our Council.

“ *Eodem Die.*—*Of Fugitives suspected and summoned for Heresy.*—*Item,* Where any are suspected of heresy, and lawfully summoned to answer for the same, are fugitive, that they shall be banished and condemned as heretics; and it shall not be lawful to any man to solicit, procure, nor make supplication for their purgation, reduction, or grace, under the pain of being punished as favourers to the heretics; and the said persons fugitives not to be admitted to purgation, nor otherwise to reconciliation, nor yet to remain or converse in our realm. Also, we forbid to all our subjects, whatsoever estate they be, to present requests, make any supplication, defend, supply, dyit (indite), or write, counsel, help, procure, or make advocation, solicitation, labour, or assist any way, to no heretics fugitives therefore, or other condemned persons that are or have been of the said reprov'd sect of heretics, to have or impetrate any grace of their errors, which will no way be accorded to them, under the pain of being punished as assisters to heresy.

“ *Eodem Die.*—*Reward of those that reveal Conventions and accuse Heretics.*—To stop the private congregations and conventicles of heretics, where their errors are spread, that any man that first reveals incontinent, or accuses any that has kept the said conventions, if he has been one of them himself, for the first time he shall be quit and absolved thereof, so that he be a good Christian man, and have the right faith, he promising never to intromit with the said errors in time coming. In case he be not of the said congregation, then he shall have a part of the confiscation of him that he accuses, as the Lords think expedient to statute and ordain. And this to be extended to all them that reveal or accuse any heretics to have a part of their confiscation. And that no man may pretend ignorance hereof, that it be commanded under pains to all sheriffs, provosts, and bailies of burghs, to publish by open proclamation these acts at the head places of their jurisdictions twice in the year.”

I have omitted two or three Acts concerning the freedom and liberty of the Church, the honour due to the holy Sacraments, and to the canonized saints, as not being very material. As to this last, command is given to pray to the Virgin Mary, to intercede for a happy and prosperous life to the King, and a severe prohibition not to cast down nor treat irreverently the images of the holy saints.

By these Acts it will appear that the King had no mind to introduce such a sort of reformation as his uncle had done in England, which is likewise abundantly evident from his own conference with Sir Ralph Sadler¹ on that head. But if he had lived for some time, I make as little doubt but he would have taken care to cause the abuses be reformed which had too much overspread the worship and practice of the Church. This I think may be gathered from his own expressions with the forementioned gentleman, and from what we have already heard that our historians have related concerning him, but especially from that Act of Parliament concerning the reforming of kirks and Kirkmen.²

¹ [See a subsequent note respecting Sir Ralph Sadler.—E.]

² [The Acts cited by Bishop Keith were passed in the Parliament held at Edinburgh on the 14th of March 1540-1, at which the King was present.—E.]

CHAPTER II.

CONTAINING AN ACCOUNT OF STATE AFFAIRS FROM THE TIME THAT KING JAMES V. TOOK THE ADMINISTRATION OF THE GOVERNMENT UPON HIMSELF, ANNO 1524, TO THE DEATH OF THAT KING, ANNO 1542, TOGETHER WITH HIS CHARACTER.

AFTER that John Stewart, Duke of Albany,¹ was secluded from the Regency by consent of Parliament on the 16th

¹ He was son to Alexander Duke of Albany, brother-german to King James III., against whom he, having been in rebellion, was forfeited and banished the kingdom, after which he lived and died in France, where this Duke John was born, who was afterward restored to his father's dignity, and made Regent of Scotland, when the Nobles could not agree among themselves who of their number should be advanced to that high station after the Queen-Mother's marriage, whom her husband King James IV. had by his latter will appointed to be Regent of the kingdom, so long as she should remain unmarried; but her Regency was of no long continuance, she having married the Earl of Angus on the 6th of August 1514. The new Regent John, Duke of Albany, arrived in Scotland about the middle of May 1515. His mother was a daughter of the Earl of Bologne in France, his father's second wife, who had for his first consort a daughter of Sinclair Earl of Orkney and Caithness, by whom he had a son Alexander, but he, being a man of a soft spirit, did after his brother's advancement to the Regency enter into holy orders, and became Abbot of Scone and Bishop of Murray. The marriage also betwixt his father and mother was declared to have been unlawful, and consequently he to be illegitimate. However it is certain that in the time of Popery divorces were obtained, at least in this country, upon grounds so slender, that they might rather be called no grounds at all. A gentleman who was lately Commissary of St Andrews informs [me] that the leaves are all torn out of the books where the divorces of any of our great men were registered.—[Alexander Duke of Albany was the second son of James II. The date of his creation as Duke of Albany is uncertain. Crawford assigns the year 1452, but in the fifth Act of the Parliament held at Edinburgh on the 4th of August 1455, he is mentioned as Earl of March and Lord of Annandale. The Act sets forth that there shall be "no office in time to come given in fee and heritage, and that the offices that are given since the decease of our Sovereign Lord [James I.], that dede is, be revoked and annulled, except the Wardenry of the March [Borders], which our Sovereign Lord has given to his son Alexander Earl of March and Lord of Annandale." *Acta Parl. Scot. folio, vol. ii. p. 43.* Before the Dukedom of Albany was conferred by James II. on his second son, it had continued with the Crown as forfeited, after the execution at Stirling of Murdoch second Duke in 1425. Alexander Duke of Albany, effected, in 1479, a remarkable escape from Edinburgh Castle, to which he was committed by his brother James III., who had imbibed a prejudice against him and his other brother the Earl of Mar. He was received on board a French vessel lying off Newhaven in the Frith of

day of November in the year 1524,¹ and the government put into the hands of the young King, who was then only in the thirteenth year of his age; his Majesty found himself in worse condition than before, being tossed hither and thither by his mother and the nobility, according as this or that faction of them prevailed. Archibald Douglas, Earl of Angus,² was at the head of the most prevailing party; and this nobleman kept the King in such restraint, that he

Forth. The Duke was forfeited, and his castle of Dunbar besieged and surrendered. He met with a courteous reception from Louis XI., who defrayed all his expenses. In 1482, he entered into a treasonable agreement with Edward IV. of England, by which the latter became bound to assist him in reducing Scotland by dethroning James III., and he assumed the title of King as if by gift of Edward, to whom he was to do homage. Albany, however, found means to effect a reconciliation with his brother, but in 1483 he again quarrelled with the King, and renewed his alliance with the English monarch. He was killed at Paris by the splinter of a lance in a tournament with the Duke of Orleans and another knight. He married Catherine St Clair, eldest daughter of William third Earl of Orkney and also Earl of Caithness, but sentence of divorce was pronounced in March 1478 by the Official of Lothian on account of propinquity of blood, to which Bishop Keith refers. By this marriage he had a son named Alexander, who became successively Abbot of Whithorn, Inchaffray, and Scone, and Bishop of Moray, and who was declared illegitimate by Act of Parliament in 1516. He died in 1534. The Duke of Albany next married in February 1480-1, Anne de la Tour, third daughter of Bertrand Count D'Auvergne and Bouillon, and by her he had John Duke of Albany mentioned in the text, born in France, who wished to assume the Regency of Scotland during the minority of James V. in 1514. On the 16th of November 1524, he was excluded from the Regency by the Parliament held at Edinburgh, on the charge that he had neglected the government by absenting himself in France. (*Acta Parl. Scot.* vol. ii. p. 286.) After various attempts at insurrection this Duke of Albany finally retired to France before the passing of the above Act, and died at Mirefleur Castle in Auvergne in 1536.—E.]

¹ Records of Parliament, which, because they will serve to rectify the confusion that appears to be in our historians about this time, I have transcribed into the Appendix, Number V.

² Though this Earl had the honour to be joined in marriage to the King's mother, Margaret, eldest sister to Henry VIII., King of England, yet some substantial grounds of disagreement having fallen out very soon betwixt them, they separated by consent for some time, until the Queen afterwards pursued and obtained a divorce against the Earl.—[Archibald, sixth Earl of Angus, was the eldest son of George, Master of Angus, who fell at Flodden, and Elizabeth, daughter of John first Lord Drummond, and the grandson of Archibald fifth Earl, commonly called the *Great Earl*, known in Scottish history by the soubriquet of *Bell-the-Cat*. He succeeded his grandfather in 1514, and married on the 6th of August that year Margaret of England, the widowed Queen of James IV. James second Lord Hamilton and first Earl of Arran, warmly opposed the Earl of Angus,

seemed to himself, as well as to others, rather a prisoner at large than anything else. The Earl suffered no person to

alleging that his power was too great, and that he was so firmly attached to the English interest, as to preclude them from having a free Parliament. One of the results of the rival feud between Angus and Arran was the bloody conflict on the High Street of Edinburgh on the 29th of April 1520, long known as *Cleanse-the-Causeway*, mentioned by Bishop Keith in a previous note (p. 19 of this volume), when Arran was defeated, and many of his supporters and retainers were slain. The Earl of Angus was divorced from Queen Margaret, who was his second wife, in 1525. By that alliance he had one daughter, Lady Margaret, who married Matthew fourth Earl of Lennox, eldest son of John third Earl of Lennox, noticed by Bishop Keith in the text, who was taken prisoner in a conflict upwards of two miles west of Linlithgow on the 4th of September 1526, and barbarously murdered by Sir James Hamilton of Finnart, already mentioned as an illegitimate son of the Earl of Arran. The issue of the marriage of Matthew Earl of Lennox and Lady Margaret, daughter of Queen Margaret and the Earl of Angus, was Henry Lord Darnley, the husband of Queen Mary, and father of James VI. Darnley was also descended from the Royal Family of Scotland by his grandmother, Lady Anne Stewart, eighth daughter of John, Earl of Atholl, uterine brother of James II. Queen Margaret, who was of a very changeable disposition, married in 1526, after her divorce from the Earl of Angus, Henry Stewart, created Lord Methven in 1528, the second son of Andrew Lord Avondale. The Queen, who by this marriage had one daughter who died in infancy, took offence at Lord Methven also, and applied for a divorce on the 12th of June 1537, which was actually written, and ready for public announcement, upon the plea of forbidden relationship within the fourth degree of consanguinity, on account of his corresponding relationship by consanguinity to the Earl of Angus; but James V., anxious to avert the ridicule which would be attached to his mother if she again married, ordered it to be stopped. Bishop Keith asserts (p. 32 of this volume) on the private information of a gentleman who had been Commissary of St Andrews, that "the leaves are all torn out of the books where the divorces of any of our great men were registered." As this is a kind of intimation that it was wilfully done by the interested parties, it must be received with caution. The truth is that the Reformation was the main cause of the lamentable destruction of the Scottish Records, and in the subsequent century the Registers were kept in a careless and defective manner. The facility with which divorces were obtained previous to 1560 by all kinds of devices, fictions, and accusations, to which Bishop Keith alludes, is admitted by John Major, who flourished before 1521. "He pointedly," says Mr Riddell, "objects it as a national *opprobrium*, that '*Scoti hac nostra tempestate nimis leviter divortium procreant, et plerique Laici ad salutem anime existimant, dummodo, in foro externo, falsorum testium testimonio, divortium celebratur, et sic alias mulieres quas conjuges putant in adulterio contrectant.*'" Inquiry into the Law and Practice of Scottish Peerages, by John Riddell, Esq. Advocate. Edin. 8vo. 1842, vol. i. p. 467. In the case of Queen Margaret, whose divorce from the Earl of Angus was pronounced by the Consistorial Court of St Andrews in 1525, Mr Riddell says—"It was upon the valid ground of a *pre-contract* between him and

come near his Majesty but those that were in his interest. He obliged him to sign what writs he thought fit; and under the shew of the regal authority, he disposed of all places and preferments, both in Church and State, to his own creatures. A guard of his friends still attended and waited about the King, who, being of a fine and aspiring genius, could not bear such thralldom, nor to be so cooped up by his own subjects. He discovered his uneasiness to some of those he thought he could best trust, particularly to John Stewart, Earl of Lennox, and begged that some method might be fallen upon to deliver him from his present restraint. Some attempts were accordingly made for his Majesty's enlargement, which, however, by misgiving served to no other purpose than the rivetting the Earl of Angus more securely in his settlement. At last, in absence of that Earl, his Majesty slipped out of his bed-chamber in the night-time, and made his escape from Falkland to the Castle of Stirling, where the Queen, his mother, by secret intelligence was looking for him. Upon this turn of affairs the King commanded the Earl of Angus to confine himself be-north the river of Spey, on design, no doubt, that, being removed from his friends, who were most numerous in the more southerly parts of the kingdom, he might be in less capacity to disturb the Government. But the Earl, disregarding the orders, as did likewise his uncle and brother, who had been commanded to enter themselves prisoners within the Castle of Edinburgh, they were all three forfeited on the 5th day of September, in a Parliament holden at Edinburgh, in the year 1528, for disobedience to the King's command in the foresaid injunctions, for making convocations and fortifying the Earl's castles against his Majesty, for detaining his Majesty contrary to the ordinance of the Council, and for

another lady, 'a daughter of Tracquair,' as would seem from Hume of Godscroft (History of the House of Douglas and Angus, vol. ii. p. 83, 84); but while this obtained, there was, moreover, the relevant finding, when authorized by the facts, that the offspring, Lady Margaret Douglas, (the mother of Henry Lord Darnley, husband of Queen Mary), '*propter Parentis, saltem Reginæ ignorantiam, nihil damni inde pateretur,*' (Lesley, de Rebus Gestis Scot. p. 419); in other words, that she should be as if born in lawful marriage, and still retain her preconceived status of legitimacy. This is in the Latin copy of the work, and in the still earlier, in Scottish, it is explicitly mentioned that the Queen's marriage of course 'wes found *null* and *unlauchfull*.' " Inquiry, &c. *ut supra*, vol. i. p. 470, 471.

some other smaller matters.¹ And it is by some reported, that his Majesty made an asseveration never to relax the Earl from his forfeiture, nor receive him into favour, which it is certain he religiously observed.

The King, being a person of excellent natural parts, how soon he attained the age of a man reflected with indignation upon the defects he perceived to be in his kingdom; and therefore the chief things he first set about were to curb the insolence of robbers, together with the factions of the great men, and to secure the Borders, by putting his castles there in a posture of defence, if they should be attacked. There was at that time no formal war betwixt Scotland and England; but as the custom then was, the subjects on either side drove a sort of pillaging trade upon the neighbouring Marches, which the respective Kings

¹ Records of Parliament.—[Acta Parl. Scot. folio, vol. ii. p. 322, 323, 324, 327. "Proclamacione touching the Process of Treasoune aganis Archibald Erle of Angus and uthirs."—"Continuatio Summonitionis contra Archibaldum Comitem Angusiæ," &c.—"Processus Forisfalture Archibaldi Comitis Angusiæ, Georgei Douglas ejus fratrisgermani, et Archibaldi Douglas dicti Comitis patruī." On the 5th of September, when the forfeiture was pronounced, a process was instituted securing Queen Margaret from any loss by it, the divorce between her and the Earl having been procured. It is entitled, "Protestatioun for the Queen's Grace touching the forfaltour of the Erle of Angus," and was followed by a "Reservatioun of the Queen's rights from the effect of the said forfaltour." In the former Mr Robert Galbraith, Advocate to the Queen, appeared, and alleged that the Earl her former husband was indebted to her "great sums of money and other goods," and claiming an equivalent from the forfeited lands. The latter was the Ratification signed by James V. in favour of his mother on the 3d of September. The King solemnly swore that while he lived the Douglas Family would find no refuge in Scotland, and he resolutely observed his oath. Angus retired into England, was kindly received by Henry VIII., and was in exile till the death of James, though he made several incursions into Scotland. After that event he returned with his brother Sir George Douglas, and their forfeiture was removed by the Parliament held at Edinburgh, 15th March 1542. (Acta Parl. Scot. folio, vol. ii. p. 415). They were also discharged from another summons of treason on the 12th of December 1544. (Acta Parl. Scot. vol. ii. p. 450). The Earl of Angus promoted the projected match between the young Queen Mary and the Prince afterwards Edward VI.; but when Henry VIII. resolved to manage it by force he joined the Regent Arran, then Governor of Scotland, and greatly contributed to the victory over the English at the battle of Ancrum-Muir in 1545. He commanded the van at the battle of Pinkie on the 10th of September 1547, and repulsed the first attack of the English. His brother, Sir George Douglas, was killed at that disastrous conflict.—E.]

endeavoured to suppress by lesser treaties for one, two, or three years. But these sorts of truce not answering the ends which the two Kings had in view, they projected to enter into a firmer and more lasting peace. For this purpose, King James made choice of two Commissioners, viz. William Stewart, Bishop of Aberdeen, his Lord Treasurer, and Sir Adam Otterburn of Redhall, formerly of Auldharn, an Advocate,¹ to repair into England, with full power to treat and negotiate with the Commissioners of his uncle, who were Sir Thomas Audeley, his Chancellor, Thomas Cromwell, the Secretary, Edward Fox, the Almoner, John Tregunwell, Judge of the Admiralty Court, and Richard Guent, principal official of Canterbury. These Commissioners drew up a treaty of Peace at London, the 11th day of May 1534, which was to last during the joint lives of the two Kings, and one year after the decease of him who should die first. This treaty was afterwards confirmed by both the Kings, and besides what may be easily supposed to be in all treaties of that kind, it contained this remarkable article, viz.:—“That neither party should any manner of way, directly or indirectly, by any explication or evasion whatsoever, violate the Peace upon account of any ecclesiastical censure already emitted, or to be emitted, against either of the respective Kings.”² The intention of which article the reader will soon discover.

While this Peace was treated, the Lord Herbert³ says that he finds by the records how that Lord William Howard,⁴

¹ Though our historians make mention of Robert Reid, Abbot of Killoch, yet I can assure the reader that he is not mentioned in the King's Commission, nor during the whole progress of the Treaty.—[Robert Reid, afterwards Bishop of Orkney, one of the most distinguished and accomplished men of his age, of great learning and munificence, and an able politician. He was employed in many high offices of trust and dignity. Sir James Balfour says—“In June this same year [1534] the Bishop of Durham [Cuthbert Tunstal] and Prior of the same, Sir Thomas Clifford, Knight, and Magnus, a lawyer, are by King Henry VIII. of England sent ambassadors to Scotland for concluding a Peace, which was ratified under the Great Seal of both kingdoms, and solemnly sworn by both Kings.” *Annals of Scotland*, Edinburgh, 1824, 8vo. vol. i. p. 263.—E.]

² *Fœdera Angliæ*.

³ [The Life and Reign of Henry VIII. of England, by Edward Lord Herbert of Cherbury, London, folio, 1672; also in Bishop White Kennet's *Complete History of England*, 3 vols. folio, London, 1706, vol. ii.—E.]

⁴ Lord William was the eldest son of Thomas Earl of Surrey, son of Sir

brother to the Duke of Norfolk, was sent into Scotland to carry to King James the Order of St George.¹ This, it appears, was done by King Henry that he might not be behind with the Emperor, who had taken the same method to cultivate the King's friendship. The same Noble historian likewise tells us that Lord William had instructions to invite our King to be present at an intended interview in France, betwixt the King of that nation and King Henry; but seeing that interview was disappointed, our King was invited to meet his uncle at York. A great deal is said by both Scottish and English writers concerning this proposal made by King Henry to his nephew of meeting one another at York, and talking face to face, which hitherto they had never done, nor indeed ever did all their lifetime after. I cannot adjust their several accounts, and so am obliged to leave many of them untouched; but it is proper that the reader do observe that this projected interview gave rise to all the

John Howard, an eminent supporter of the House of York, and maternally of princely birth, who was created Duke of Norfolk and Earl Marshal of England in 1483, when his son and heir was created Earl of Surrey. The Duke fell in the following year at Bosworth Field, while leading the van of Richard's army. Both the Duke and his son the Earl of Surrey were attainted in Parliament in 1485, when the latter lost his Earldom; but after an imprisonment of three years in the Tower he was restored to the Earldom in 1489, and was created Duke of Norfolk and Earl Marshal in 1514. This Nobleman commanded the English army at the battle of Flodden, fatal to James IV. of Scotland. His second wife was Agnes, daughter of Hugh Tilney, Esq. by whom he had two sons and four daughters. The eldest son by this marriage was Lord William Howard, who was created Lord Howard of Effingham by Queen Mary in 1554, and was Lord Chamberlain and Privy Councillor to Queen Elizabeth. His son was the commander of the fleet fitted out to oppose the Spanish Armada in 1588, and, though a Roman Catholic, he dispersed and destroyed that celebrated armament. In 1596 he was advanced to the dignity of Earl of Nottingham. The Lord William Howard is mentioned by Bishop Keith as *brother* of the Duke of Norfolk. The latter was Thomas third Duke, but he was merely half brother, that Nobleman being the son of Thomas second Duke, who commanded as Earl of Surrey at Flodden, by his first Duchess, who was Elizabeth, daughter and heiress of Sir Frederick Tilney, Knight, of Ashwell-Thorpe in Norfolk, and widow of Sir Henry Bouchier, son of Lord Berners, by whom he had the third Duke, three other sons, and two daughters. Lord William Howard was ancestor of the Noble Family of Howard, Barons of Effingham, created Earls of Effingham in 1731, and renewed in 1838.—E.]

¹ [The Order of the Garter. This circumstance is scarcely noticed by Scottish historians, and it does not appear that King James V. was ever invested with the Order.—E.]

subsequent transactions with England during the life of our King, and was at last the occasion of his death.¹ And that the ordinary reader may not be at a loss to find out the true cause why King Henry did so much desire a peace with his nephew, and so often solicit for this interview, he may know that that King, having pretended a scruple of conscience to live any longer with Catherine his wife, a daughter of Spain, after having cohabited with her as such upwards of twenty years, because she had been formerly married to his elder brother Arthur, a young man of about sixteen years of age, and who died soon after his marriage, he proceeded so far as to divorce her from him by the authority of his own clergy, in opposition to the Court of Rome, which could have been induced to grant that favour afterwards, had Henry been tractable enough in time.² This step of the King of England created him as many enemies as the Emperor, whose aunt the Queen was, and the Pope could raise up against him; and as this obliged King Henry to strive to have the King of Scotland his fast friend, as he was his near relation, so our King saw himself courted by the greatest Princes in Europe. The Pope sent a legate hither with a consecrated cap and sword; and the Emperor and King of France sent their ambassadors, from whom the King received the Orders of their Knighthood. And the King of England laboured hard, after conclusion of the Peace I have mentioned, to meet with his nephew, being hopeful that, if he could talk with him, he might persuade him to shake off all dependence upon Rome, and to introduce such a refor-

¹ [This occurred in 1542, and was caused by the conduct of the Scottish Nobility at the Solway Moss.—E.]

² It is to be acknowledged that King Henry did, from the very first, shew a dislike to the marriage with his sister-in-law, and that he proceeded so far as to make a solemn retractation of it on the very same day that he came to be of age. However, political reasons made it be judged convenient to retain Queen Catherine; and it is even probable he would still have retained her if he had had a son by her to succeed him on the throne. Queen Catherine was married to Prince Arthur 14th November 1501, who died 2d April 1502. A dispensation was obtained from the Pope for her marriage with Prince Henry, 26th December 1503. The sentence of her divorce from him was given by Cranmer, Archbishop of Canterbury, 22d May 1533, and the Pope's excommunication of King Henry was emitted anno 1535, though not published till 1538. Some have doubted of the truth of the Prince's retractation, and have thought that it was only forged after the divorce came to be demanded.

mation of religion in Scotland, as he himself had done in England. To dispose our King the better to this, his uncle sent one of his chaplains, William Barlow, Bishop Elect of St David's,¹ in the end of the year 1535 at the farthest, with some English books, containing the heads of the Christian doctrine, to be presented to the King; which books, howbeit, the King never once looked into, but delivered them to be inspected by some of his clergy, who presently declared them to be heretical.²

¹ [Dr William Barlow, Prior of Bisham in Berkshire, was then Bishop-elect of St Asaph, to which See he was consecrated in 1536. He was translated to St David's that same year, and in 1547 to Bath and Wells. He was deprived by Queen Mary, but in 1559 was appointed to the See of Chichester by Queen Elizabeth. Pinkerton says that Dr Barlow was "an eloquent preacher, and a warm enemy to the papal usurpations. He was instructed to present to James a book now published by Henry, called 'The Doctrines of a Christian Man,' in which the superstitions of Rome were exposed, and to examine the inclinations of the Scots on this subject, and even, if James should grant permission, to display his eloquence in the pulpit; but Barlow informed Secretary Cromwell that the Council of James consisted only of clergy devoted to Rome—"the Pope's pestilent creatures, and very limbs of the devil," as he charitably expresses himself—that it was rumoured by an officer belonging to [the Duke of] Albany [then in France], that France intended to declare in favour of the Pope against England, and Scotland would as usual imitate her old ally—that James was himself of an excellent and generous disposition, but his spiritual Council decidedly inimical to Henry—that it was sarcastically said that he had only come to preach; and he would exert his influence against the papal abuses if James would permit." Pinkerton adds in a note, citing his authority—He [Barlow] maliciously observes that in Scotland there was abundance of "myserable beggars and moneyless souldyours." History, vol. ii. p. 327, 328. Dr Barlow was concerned in the compilation of Henry VIII's book.—E.]

² This is the common story as delivered by our historians, and Mr Strype of England says it was the book called the "Godly and Pious Institution of a Christian Man," but that book was not printed, according to Strype, until the year 1537; yet in the *Catalogus Univers. Libr.* there is, in 1534, "The Doctrine of a Christian Man," set out by Henry VIII. in 8vo. And Bishop Burnet mentions such a book published anno 1533. Lord Herbert says only that Barlow and Holcroft, in commission with him, laboured to give King James all manner of impressions which might bring him to a conformity with his uncle, but makes no mention of books.—[The circumstance that Lord Herbert omits any notice of books sent to James V. by Henry VIII. is of little moment. The subsequent editions of "A Necessary Doctrine and Erudition for any Christian Man," published during the King's life, were one at London in 1543, another in Latin in 1544, and a third in English in 1545, two years before the King's death, which occurred in 1547. In the very year of this embassy to Scotland, as related in the text, viz. 1534, appeared "Opus Eximium de Vera Differ-

Soon after this, the forementioned Lord William Howard and Barlow came again into Scotland, with a reiterated proposal for an interview. And that they might the more easily incline King James unto it, they were ordered to make him divers advantageous offers; such as, that if matters could be got accommodated to the good liking of King Henry, in that event, he was willing to give our King his daughter Mary to wife, and to declare him his heir and successor to the Crown of England, for as yet Henry had no son; and that his nephew might be brought to give the better credit to his promises, he proposed to create him just then Duke of York and Viceroy of England. When these proposals of the King of England were laid before the Council of Scotland, it was resolved that, instead of York, Newcastle should be pitched upon as the place, and the Feast of St Michael as the time of meeting. But Lord William Howard received these alterations made by the Scottish Council as an affront put upon his master, and so took leave, and went homeward in very bad humour,¹ having reported to his master things concerning our King which his Majesty did afterwards disclaim. And the King thought fit likewise to send Sir Adam Otterburn into England after the Lord William, to make his compliments to his uncle, and assure him that the reason of his Council diverting him from a journey into England, was entirely owing to the mismanagement of Lord William,² who had “menaced to the Coun-

entia Regiæ Potestatis et Ecclesiasticæ, et quæ sit ipsa Veritas ac Virtus utriusque, Henrico VIII. Angliæ Reg. Auctore.”—E.]

¹ [The interview never took place between James V. and his uncle Henry VIII. The consequences of the intrigues which prevented it are subsequently noticed.—E.]

² Drummond. It appears also by King James’ own discourse with Mr Sadler, that his Majesty blamed Lord William for reporting things concerning him to his master, otherwise than he ought to have done.—[Drummond’s (of Hawthornden) History of Scotland, Glasgow edition, 1749, p. 266. Sir Adam Otterburn, who was sent into England to complain of Lord William Howard, is described as of Redhall. He was probably the father of John Otterburn of Redhall, who married Lady Jean, second daughter of John Stewart third Earl of Atholl, by his second Countess Jean, youngest daughter of John sixth Lord Forbes. Douglas’ Peerage, by Wood, vol. i. p. 141. Sir John Wemyss of Wemyss, an ancestor of the Earls of Wemyss, is mentioned as marrying for his first wife, in 1530, Margaret daughter of Sir Adam Otterburn of Redhall, King’s Advocate (Ibid. vol. ii. p. 620.) Adam Otterburn of Redhall, and also of Auldham

cillors, and would have forced their votes ; that he was too great a friend to the Douglasses and other rebels, who had convoyed him to Scotland and accompanied him back again ; that it was against the credit and honour of free-born Princes to be threatened ; that what was friendly begun should friendly continue and end ; that Princes should not be constrained, especially in matters which are not of debt but benevolence." However, there appears to be some ground to think that King Henry's large and advantageous offers had made some impression on our King ; seeing, by an original dispatch in May 1536, King James did certify his uncle " that he had sent to Rome to get impetrations for reformation of some enormities, and especially anent the ordering of great and many possessions and temporal lands given to the Kirk by our Noble predecessors."¹

For some time after this I can find but little correspondence betwixt the two Kings, until February 1539-40, that King Henry thought fit to send Ralph Sadler² his ambas-

attended the Parliament held in 1524 as a commissioner from a burgh. (*Acta Parl. Scot.* vol. ii. p. 284, 285.) His name again occurs on the roll of the Parliament held in 1525 (*Ibid.* p. 292) ; in that held in 1526 (*Ibid.* p. 300), in which he is styled King's Advocate, and was elected one of the Lords of the Articles (*Ibid.* p. 304, 308) ; in that of 1527, in which he is designated "of Auldhame, Advocate to our Sovereign Lord the King" (*Ibid.* p. 318) ; in the Parliament of 1529 (*Ibid.* p. 330, 331) ; in that of 1531, in which he is designated Provost of Edinburgh, and was elected one of the Lords of the Articles (*Ibid.* p. 332, 333). He was similarly chosen in the Parliament of 1532 (*Ibid.* p. 334, 335). He is designated Adam Otterburn of Auldhame, Advocate, in the roll of the Parliament of 1533 (*Ibid.* p. 336, 337), and at the adjourned meetings in 1534, the year he was sent into England, from which he had returned before 1535, as he was chosen one of the Lords of the Articles in the Parliament held that year (*Ibid.* p. 339, 341). After this, the name of Sir Adam Otterburn repeatedly occurs in the Parliamentary Records.—E.]

¹ Lord Herbert's *Life of King Henry VIII.*

² [Afterwards Sir Ralph Sadler. He was the eldest son of Henry Sadler, Esquire, and was born at Hackney, near London, in 1507. In early life he secured the notice of Cromwell, Earl of Essex, who introduced him to the notice of Henry VIII., by whom he was employed in the dissolution of the Monasteries, and it is said that he had his full share of the spoil. He commenced a long series of diplomatic services in Scotland in 1537, the great object at the outset being to detach King James from the ancient and close alliance with France, and to persuade him to imitate the conduct of his uncle Henry VIII. towards the See of Rome, but he entirely failed in his mission. Sadler took a prominent interest in Scottish affairs, and was created a knight-banneret on the battle-field of Pinkie

sador into Scotland ; which embassy was occasioned by two late interviews of the Emperor and King of France, in which King Henry had perhaps ground enough to suspect that some things might be contrived not very favourable to him, wherefore, he again very wisely laid himself out all he could to gain his nephew entirely to his interest. The letters and negotiations of this ambassador have lately been made public, by which it appears that his instructions were, 1st, To bring Cardinal Beaton¹ into suspicion with King James.

near Musselburgh, at which he greatly distinguished himself. He died in 1587, in the 80th year of his age, soon after returning from his last public service in Scotland, and was buried in the church of Standon in Hertfordshire, where his monument was decorated with the Scottish Royal standard which he took at the battle of Pinkie. The transactions of his Embassies are recorded in the "Letters and Negotiations of Sir Ralph Sadler," &c. printed at Edinburgh, 1720, in octavo, from MSS. in the Advocates' Library, but a more complete collection was published of his "State Papers and Letters," edited by Arthur Clifford, Esq. of Texall, his descendant, in 1809, in two vols. 4to. with a Memoir and Historical Notes, by Sir Walter Scott, Bart.—E.]

¹ [Cardinal David Beaton, or Bethune, one of the most remarkable men of his time, figures so prominently in the history of Scotland that any observations respecting him are almost superfluous. He was the son of John Beaton, or Bethune, of Balfour, in the county of Fife—the elder brother of Archbishop James Beaton of St Andrews, by Isobel daughter of David Monypenny of Pitmilley, chief of an ancient family for centuries settled in the eastern part of Fife. By the marriage of James, first Earl of Arran, to Janet, daughter of Sir David Beaton of Creich, the Cardinal became the near relative of the third Earl, Regent of Scotland, declared next heir to the Crown in default of Queen Mary dying without issue. The Cardinal was born in 1494, and on the 26th of October 1511 he was matriculated at the University of Glasgow, of which Diocese his uncle was then Archbishop. He was thence sent to France, where he spent a few years in the study of the civil and canon law. His first preferments were the rectories of Campsie and Cambuslang in the Diocese of Glasgow, and his great abilities and agreeable manners soon rendered him a favourite of James V., who sent him, as resident for Scotland, to the French Court in 1519. In 1523 his uncle, who was then translated from Glasgow to the Primacy of St Andrews, resigned the wealthy Abbey of Arbroath in his favour, retaining one-half of the rents for his own use, and prevailed with the Pope to dispense with his taking the habit for two years, which he spent in France. Beaton returned to Scotland in 1525, and immediately took his seat in the Parliament held that year as Abbot of Arbroath. On the fall of the Earl of Angus, and the resignation of Bishop Crichton of Dunkeld, Beaton was appointed Lord Privy Seal in 1528—the same year in which the convent of the Black Friars at Edinburgh was burnt, in the immediate vicinity of which, in the Cowgate, was the town residence of his uncle the Archbishop. He was soon afterwards appointed Prothonotary Apostolic, and in 1533 he was sent ambassador to France with Sir Thomas

2dly, To persuade his nephew to break off from the Church of Rome, and to take the revenues of the Abbeyes and other religious houses into his hands for the augmenting of his revenue. 3dly, To discover King James's affection towards his uncle, by telling him how that rumours were dispersed as if the Pope, Emperor, and King of France, were to invade England, and that it was said that King James would do the

Erskine, Secretary of State, to form a league with that kingdom, and also a matrimonial alliance between James V. and the Princess Magdalene. Although unsuccessful in the latter object, it is certain that Beaton rendered himself particularly agreeable to Francis I., who perceived his abilities, knew the influence he possessed with the Scottish King, and used every exertion to attach him to the interest of France, that he might counteract the predilections of James V. for his uncle Henry VIII. In 1536, when the Scottish King proceeded in person to France, and married the Princess Magdalene on the 1st of January 1537, Beaton was appointed one of the Lords of the Regency to conduct the Government during his absence, by commission dated 29th August 1536. At the lamented decease of Queen Magdalene, he was joined in an embassy to treat for another league with France, and a matrimonial alliance with the Princess Mary of Guise, widow of the Duke of Longueville. In conformity with the practice of those times, before he went abroad on that occasion, he procured a special protection from the King, for his friends and dependents during his absence (Reg. Privy Seal, x. 163-4). In November 1537, Beaton was naturalized in France, and on the 5th of December he was consecrated Bishop of Mirepoix in Languedoc. After his return to Scotland, he was appointed coadjutor and successor to his aged uncle in the Primacy of St Andrews, and the whole charge of Church affairs and of the Diocese devolved on him. Beaton seems to have again resorted to France on his private affairs; at least, on the 20th of December 1538, he was advanced by Pope Paul III. to the Cardinalate, by the title *Cardinalis Sancti Stephani in Monte Celio*, the same title as that held by John de Salerno, who presided at a Synod of the Scottish Church in 1201. This elevation was by the influence of the King of France, who on the 20th of June 1539 directed new letters of naturalization in the Cardinal's favour, with a clause authorizing his heirs to succeed to his property in France though born in Scotland. He returned to Scotland with Mary of Guise, and began a severe crusade against those who held the "Reformed" doctrines. About this time the Cardinal was constituted *Legatus Natus* of the See of Rome, and in the autumn of 1539 he succeeded to the Archbishopric of St Andrews and Primacy on the death of his uncle, on which occasion he resigned the Abbey of Arbroath, and the Privy Seal was again consigned to Bishop Crichton of Dunkeld. The proceedings against Sir John Borthwick which followed are already recorded (note, p. 20). On the 20th of December 1542, James V. died. The Cardinal had previously gone abroad, for we find a large sum specified in the Lord Treasurer's Accounts "for expences made upon the *Great Unicorn* [ship], July 11, 1541, at her passing to France with the Cardinal;" but he returned before the King's death. The subsequent events of his life are noticed in this History.—E.]

same; and in order to make this embassy be the more favourably received, King Henry sent his nephew a present of some fine horses, which King James was known to be much delighted with; and Mr Sadler was ordered to insinuate very cunningly the hopes King James might entertain of being appointed by King Henry his successor, in case of the death of his son Prince Edward, and how much it would contribute to that and many other good purposes, that the uncle and the nephew should meet together, since they had never yet seen one another in the face; but this, the ambassador told King James, his master desired he would keep entirely to himself, and not communicate to his Council. Now this last caution would seem to assure us that King Henry did reckon, that the interview had formerly been disappointed by the advice of some persons about his nephew; yet King James, by his answer to Mr Sadler, made it pretty plain that he had little mind to comply with the proposed meeting, alleging that it were expedient to have the French King present thereat. Notwithstanding which, it will perhaps appear probable to some people, that our King had given his uncle some reason to expect him at York, seeing King Henry did actually come thither in the month of September the following year 1541. But King James having again communicated his design to his Council, the clergy prevailed upon him to suspend his journey for reasons that are obvious enough; and because it was justly to be apprehended that this disappointment might bring on a war from England, therefore the clergy made large donations to the King¹ for the present, and assured him that in case of future

¹ ["The Bishops," says Lindsay of Pitscottie, in his own quaint style, "conceived in their minds that if King Henry met with our King, he would cause him to cast down the Abbeyes of Scotland likeas he [Henry] had done in England. Therefore they budded [bribed] the King to bide at home, and gave him three thousand pounds a-year to sustain his house from their benefices," History, p. 230. "The Scottish clergy granted James a further annual subsidy, and he applied to the Pope for its confirmation in a letter dated 12th April 1541.—Epist. R. S. ii. 109," note, *apud* Pinkerton's History of Scotland, vol. ii. p. 371. "Henry accordingly proceeded to York, where he remained at least six days; but James declining the conference, his uncle returned to London with sentiments of deep indignation. The anger was unjust, for if the English King was so desirous to meet James, why not evince at once his spirit and conciliatory views, by visiting the Court of Scotland, after so many recent similar

exigencies all their rents should be at His Majesty's service. By this means the King was induced to send a message to his uncle, declaring that some business of great importance did detain him from keeping the interview at the time and place appointed. And Sir James Learmonth¹ was soon after despatched into England to represent the same to King Henry as favourably as he could, and likewise to complain of certain inroads made by the English Borderers into Scotland, and for their having converted to their own particular profit the Debateable Ground,² lying on the limits of the two

examples of confidence among the greatest monarchs?" Ibid. vol. ii. p. 375.—E.]

¹ [Sir James Learmonth of Balcomie near Crail, on the south-eastern coast of Fife, was at that time Master of the King's Household. This gentleman was prominent in the public transactions of his time. When Mary of Guise landed at Fifeness as the affianced Queen of James V. in 1538, she halted at the then mansion of Balcomie, the seat of Sir James Learmonth, by whom she was courteously received, and the King proceeded from St Andrews to Crail, eleven miles distant, to meet her. The Queen was escorted by James and a large assemblage to St Andrews, and the marriage was celebrated in the cathedral by Cardinal Beaton. The family of Learmonth of Balcomie was very ancient. Alexander Gourlay of Kincraig, near Largo in Fife, who lived in the reigns of Robert III. and James I., married a daughter of Learmonth of Balcomie (Douglas' Baronage, folio, p. 470), and Thomas Duddingston, of Kildunan in Fife, married a daughter of this Sir James in 1541. John Melville of Carnbee, also in Fife, near Anstruther, married Margaret Learmonth, aunt of Sir James. Lady Euphemia Leslie, a daughter by his third marriage of George third Earl of Rothes, father of Norman Leslie, who was one of the murderers of Cardinal Beaton, married Learmonth of Balcomie, who was probably the son of Sir James (Douglas' Peerage, by Wood, vol. ii. p. 429); and Sir James Learmonth of Balcomie, a Judge in the Court of Session, under the title of Lord Balcomie, from 1627 to 1657, when he died, appears to have been a descendant of Sir James. Historical Account of the Senators of the College of Justice, by George Brunton and David Haig, Edin. 8vo. 1832, p. 277.—E.]

² [This tract was, as its significant name implies, long a source of mischief, strife, and bloodshed, to the inhabitants of that locality on the Scottish and English Border. It comprises the district between the river Sark, which divides the Scottish parish of Graitney and part of that of Half-Morton from the county of Cumberland, and the river Esk, which enters that county near a locality in Canobie parish known as the *Scots Dyke*, and debouches into the Solway Frith, nearly two miles below its junction with the Line river, and a few miles distant from Longtown. "Early in the following year [1552] it was agreed between the Court of England and the French Ambassador residing there, that an effectual remedy should be applied to a perpetual source of contention between the English and Scots, which arose from a small tract of ground, commonly called the Debateable Land (*terra contentiosa*), situated between the rivers

kingdoms, and which ought to be in common to the subjects of both.

After our King had thus, by the persuasion of Cardinal Beaton¹ and others, disappointed his uncle of the interview at York, King Henry returned to London full of indignation, and with a mind completely bent upon revenge, which, however, he suppressed pretty much from appearing outwardly, till the season for action should return, and he should be in a readiness to pour out his resentment with the greater fury. And accordingly, though he did afterwards receive the ambassadors of his nephew for treating amicably their differences, yet the next year he prepared a great army, some say 40,000 men, to invade Scotland; which advanced in good earnest for that purpose, in the middle of harvest 1542, under the command of the Duke of Norfolk;² a public declaration of war³ having been emitted, much about

Esk and Sark, on the extremity of the western border. As no authority was exercised in that tract by the Kings of either nation, it naturally became a place of refuge for the most abandoned criminals after their expulsion or flight from their own country. From thence they made their plundering inroads into the countries adjacent on either side, and thither they retired with their booty, and often by fear or favour induced the neighbouring inhabitants to be partakers of their crimes. It was first proposed that, agreeably to the Treaty of Norham, that district should be wholly evacuated and laid waste, but it was afterwards thought better to make a division of it between the kingdoms. For this purpose, after some scruples and delay, commissioners appointed by each of the Powers met on the spot, and agreed to a line to be marked by a ditch and march-stones, the ground of one side whereof was thenceforth to belong to England, and that on the other to Scotland." *Ridpath's Border History of England and Scotland*, London, 4to. 1776, p. 573.—E.]

¹ The Cardinal offered afterwards to prove that this was unjustly laid to his door. Vide *Sadler's Letters*, p. 154.

² [This was Thomas third Duke, eldest son by the first marriage of Thomas Earl of Surrey, who commanded at the Battle of Flodden, and half brother of Lord William Howard. The third Duke of Norfolk succeeded his father in May 1524, and was attainted in 1546, but was restored in 1553. He was the father by his second Duchess, daughter of Edward Stafford, Duke of Buckingham, of Henry Earl of Surrey, the infamous execution of whom was the last tyrannical act of Henry VIII. See the note, p. 37, 38, of the present volume.—E.]

³ [Henry VIII., in his Manifesto, asserts that the Scots suddenly entered England to commit ravages on the 4th of July, yet James V. in a letter to Sir James Learmonth, his ambassador, dated 20th August, complains that the English had made two hostile incursions before the Scots retaliated. The Privy Council of Scotland, in a letter of the same date to Sir James Learmonth, allege that the English had plundered Eyemouth

the same time.¹ But though the war was not openly declared till now, yet the reader is not to think that there had been no acts of hostility in the interim committed betwixt the two nations ; for, not to mention other things of lesser moment, the English had seized on sundry Scottish merchant ships² in their harbours and upon the sea ; and the Scots had given the English a considerable overthrow by land at Haldenrig³ in the Merse, on the 24th of August the same

and other places in the Merse, or Berwickshire, while the Scots, on the other side, had burnt Carham and Cornhill on the borders of Northumberland near Coldstream, and a certain James Doig, who led the “fite-band,” or infantry, was cashiered. George fourth Earl of Huntly, the Lieutenant-General of the North, afterwards Lord High Chancellor, proceeded to the Borders on the same 20th of August, and proposed to withdraw the Scottish garrisons if Henry VIII. ordered his forces to retire. Pinkerton’s History of Scotland, vol. ii. p. 377, 378.—E.]

¹ Vide Holinshed. In it are these words—“Having a message sent unto us the past year from our said nephew, and a promise made for the repairing of the said King of Scots unto us to York ; and after great preparation on our part made therefore, the same meeting was not only disappointed,” &c. In this declaration, likewise, though there be a long enumeration of the several homages done by our Kings to those of England, yet King Henry thinks fit to lay the stress of the present war as much, or rather more, upon the personal injuries received from his nephew, and plainly says that he had no intention to make war upon the score of homage.

² [According to Bishop Leslie, the English took twenty-eight Scottish vessels. As the incident is not mentioned by either the English or Scottish King, and as the original papers contain no allusions to it, Pinkerton thinks that it is “questionable ;” but he admits that “this event may have happened after Henry’s Manifesto appeared,” and he refers to Holinshed, who confirms Bishop Leslie’s account, and whose book was printed in 1577, the year before Bishop Leslie’s was published.—E.]

³ [The Earl of Huntly was commander of the Scottish forces, and, assisted by George fourth Lord Home, completely defeated the English under Sir Robert Bowes, whom he took prisoner with his brother Richard Bowes, Sir William Mowbray, and 600 men, on the 24th of August 1542. Home of Godscroft states that King James was so much elated at this victory that he gave the lands of Hirsell to Sir Andrew Ker of Little Dean for bringing the first intelligence. An *item* occurs in the Lord High Treasurer’s Accounts, dated August 7, 1542, seventeen days previous to the battle, of a payment to “Thomas Gibson, carter, in payment of the carriage of certane artilzerie to the [Castle of] Hermitage.” Pitcairn’s Criminal Trials, vol. i. Part I. p. 324. It appears that the great object of the English in this incursion was to burn the town of Jedburgh. Archibald sixth Earl of Angus, his brother Sir George Douglas of Pittendreich, and others connected with the powerful Family of Douglas, then exiles, were in the English army. The Scots gained the victory by the timely arrival of Lord Home with four hundred spearmen, who first encountered the English. Haldenrig, or Haddenrig, is described as a locality near the Borders

year 1542. King James, as appears, was somewhat apprehensive of the issue of this war ; and, therefore, that he might either prevent it altogether, or at least divert the English army from any action for that year, he again sent John Lord Erskine,¹ and some others, ambassadors to his uncle ; who likewise on his part gave commission to the Duke of Norfolk,² to his Lord Privy Seal, to the Bishop of Durham, and to the Master of his Horse, to treat with the Scottish Commissioners at York. But the English Commissioners complaining that the Scots only trifled, and that they aimed at nothing but a protracting of time, King Henry commanded his troops to advance. And indeed it is certain, that if King James was not in earnest in the treaty, yet he so far gained his point, by thus amusing his uncle, that the English army was not able to enter the East Borders of Scotland till the 21st of October ; so that, the season for action being then quite spent, the General thought fit to return into England, after having remained but a few days, and burnt some few hamlets within the Borders of this kingdom.

King James, who by this time had gathered together an army of about thirty thousand men, prompted by his own active disposition, and much solicited thereto by the clergy, was very desirous to have followed the Duke of Norfolk into England. But the Nobles, not being forward for such an enterprize, took upon them to remonstrate to him by the mouth of his natural brother the Earl of Moray,³ then general of his army—"That he had gained abundance of in the eastern corner of Teviotdale." It appears to be in Sprouston parish.—E.]

¹ [John fourth Lord Erskine, properly fifth Earl of Mar, of the Family of Erskine.—E.]

² [The English commissioners were Thomas third Duke of Norfolk ; Thomas Lord Cromwell, afterwards Earl of Essex ; Cuthbert Tunstall, Bishop of Durham, and Sir Anthony Brown, Master of the Horse.—E.]

³ [James, illegitimate son of James IV. by Janet daughter of John Lord Kennedy, obtained a grant of the Earldom of Moray from his father in June 1501, when an infant, for he is described as a "springold," or fine youth, of twenty years of age when he returned from France in 1519. He married Lady Elizabeth Campbell, only daughter of Colin third Earl of Argyll, and by her had one daughter Lady Mary, who married John Master of Buchan, and died without issue. The Earl of Moray died without heirs-male in 1544, and the Earldom reverted to the Crown.—E.]

glory, by stopping the progress of so mighty an army, which had been so long a-gathering, and had boasted of such great matters, under the conduct of so experienced a general as the old Duke of Norfolk was known to be, and whom his master had wont to call the *Scourge of the Scots*. And it is moreover reported, that whilst the King with his army lay on Fala Muir,¹ the Nobility had formed a design to cut off such of his courtiers as had been most instrumental in the sowing and fomenting of differences betwixt his Majesty and them, and were known pensioners to the Cardinal and clergy for keeping open that breach ; but because they could not agree among themselves who should be the victims, every one striving to save his own friend, they all escaped the danger. However, this consultation and project of the Nobility had not been kept so secret, but that both the King and the courtiers got notice of it, which made them return immediately to Edinburgh, where the King, being highly exasperated against the Nobility, both for their intended *reformation* of his Court, and their peremptory declining to march after the Duke of Norfolk into England, reproached them openly as cowards, and men that neither wished to advance his honour, nor to pursue the glory of their native country ; telling them, that since he was betrayed by them, he himself, and such as would follow him, would do that which they had so cowardly refused to undertake.

In the beginning of November following, the King called a council of his principal favourites and most trusty servants, in which council the clergy, zealous of their religion, obliged themselves that, on condition his Majesty would cause prosecute such persons as they should declare to be guilty of heresy,² they would furnish him with money for the necessary charges of making a second inroad into England, on which the King seemed then to be extremely bent. They also advised him to summon his Nobility to meet him on the Borders with their dependents and followers, to which he readily

¹ [King James assembled his army at the Boroughmuir on the south side of Edinburgh, and his forces marched to Fala, near the western extremity of the Lammermuir Hills, or the elevated range known as the Soutra Hills, fifteen miles from Edinburgh, on the road towards Kelso.—E.]

² This was the time when, as it is pretended, the roll containing the names of suspected heretics was presented to the King, and which was mentioned in the first Chapter.

condescended, as being a thing most agreeable to his own inclination; and for that purpose he sent without delay letters privately through the country, lest if he had summoned them by open proclamation, the English should be advertised of his gathering together a new army. It was proposed that the army should make its inroad upon England by the West Marshes, where the Lord Maxwell¹ was Warden, and who had generously offered to undertake such an expedition at the time that the King was chiding the Nobility; but to cover this design the better, the Earl of Arran and the Cardinal raise men publicly, and advance with them towards the East Borders. When Sir Thomas Wharton, the English Warden, appeared with the few men he could gather together in that sudden surprise, the Scottish army shewed a desire to know who was to command them as Lieutenant under the King, and how soon they saw that Oliver Sinclair, a son of the Family of Roslin, was mounted on men's shoulders to be seen as general,² the Nobles that were present, and

¹ [Robert fourth Lord Maxwell, ancestor of the Earls of Nithsdale. In 1543 he proposed in the Parliament that all should be allowed to read the Scriptures in the vulgar tongue, which was sanctioned. He died in 1546.—E.]

² Drummond says that the generalship was intended for the Lord Maxwell, and that Mr Sinclair was only entrusted by the King to read the Royal Commission. But since Bishop Lesley, who would not fail to suggest whatever could vindicate the King, owns that Mr Sinclair was appointed general, I see no room to doubt of it.—[Oliver Sinclair, or St Clair, the object of general dislike in this unfortunate affair, was the third son of Sir Oliver St Clair of Roslin, about seven miles south of Edinburgh, by his wife Margaret, daughter of Sir William Borthwick, ancestor of the Lords Borthwick of Borthwick Castle, upwards of five miles south of Dalkeith. As respects descent and family importance, Oliver Sinclair was as distinguished as any of his opponents. Sir Oliver St Clair, his father, was the second son of William third and last Earl of Orkney of that Family, by his second Countess, Marjory, daughter of Alexander Sutherland of Dunbeath. This Earl was the only son of Henry second Earl, and Egida, daughter of Robert II.; and by his first Countess, who was Lady Margaret, eldest daughter of Archibald fourth Earl of Douglas, he had Lady Catherine, who married Alexander Duke of Albany, second son of James II., from whom she was divorced in March 1478, on account of propinquity of blood. This Earl was also Earl of Caithness and Lord Chancellor of Scotland. In 1469, James III. acquired the Orkney Islands by his marriage with the Princess Margaret of Denmark, and in the following year the Earl resigned the Earldom of Orkney to the King, for which he received a grant of Ravenscraig Castle and certain lands, between Dysart and Kirkcaldy in Fife, and was afterwards styled Earl of Caithness—a

especially the Lord Maxwell, mutinied much that a man of so mean a rank should be preferred and set over them, whereupon such a murmur and confused clamour immediately ensued, that all military order was quite neglected; and the tumult and confusion became so remarkable in our army, that the English, who perceived the same, attacking them in that disorder, obtained an easy victory, whilst they were in suspense whether to fight or fly. Men, horses, artillery, and baggage, were all confusedly driven into the Solway marshes,¹ and a great many willingly surrendered themselves to a few English vastly inferior to their own number,² without

Peerage which he resigned in favour of William his eldest son by his second Countess. That Earl was the brother of Sir Oliver St Clair, the father of the unlucky hero of the Solway affair, who was the brother of Henry Sinclair, Rector of Glasgow, one of the Lords of Session, Abbot of Kilwinning, and Bishop of Ross; and of John Sinclair, Dean of Restalrig near Edinburgh, afterwards Bishop of Brechin, one of the Judges and Lord President of the Court of Session, who married Queen Mary to Lord Darnley in the Chapel Royal of Holyrood Palace in 1565. The opposition of the Nobility to Oliver Sinclair, or, as he is designated, Sir Oliver Sinclair of Pitcairns, was not on account of his obscure lineage, but because he was the King's favourite, and was then too young to be entrusted with such an important duty as to command the Scottish army. From Sir Oliver Sinclair, father of the King's favourite, descended the ancient family of Roslin, the direct male branch of which terminated with William St Clair, Esq. of Roslin, Hereditary Grand Master Mason of Scotland, who died unmarried in 1778, in the seventy-eighth year of his age. See observations on the Earldom of Orkney in the middle of the fifteenth century, in the "Inquiry into the Law and Practice in Scottish Peerages," by John Riddell, Esq. Advocate. Edinburgh, 8vo. vol. ii. p. 608, 609.—E.]

¹ The army was on the Scottish side of Solway Frith, on the Debateable Ground, betwixt the waters Esk and Sark. This Debateable Ground is six miles long, near two miles broad at most, but in some places not one mile.—[See the previous note, p. 46, 47, on the *Debateable Ground*.—E.]

² Some English historians say that our army consisted of 15,000 men, with a train of 24 pieces of artillery, that their own consisted only of 400, and that there were taken prisoners of the Scots about 1000.—[We have seen that an army of 30,000 men assembled on the Boroughmuir near Edinburgh in October 1542, and marched to Fala; but the declaration of the Nobility, that they would act only on the defensive, compelled James V. to disband this force. On the occasion of Solway Moss, it appears that 10,000 men were levied, and only 300 or 400 composed the English under Thomas Dacre and John Musgrave, who advanced merely to observe the motions of the Scottish troops. Among nearly 1000 prisoners taken by the English, were the Earls of Glencairn and Cassillis, Lords Maxwell, Somerville, Gray, Oliphant, Fleming, and other chiefs, amounting to about sixty. The names of the prisoners and their sureties are inserted in Lodge's Illustrations, vol. i. p. 37.—E.]

making so much as a shew of resistance or defence, so that not one single man was killed on either side.

The news of this loss, for it cannot properly be called a defeat, at Solway Moss being brought to the King, then at Caerlaverock,¹ he became extremely disconsolate, and began to apprehend that the whole Nobility had conspired his overthrow. The Cardinal, also, who had greatly advised him to this unfortunate expedition, was in a huge consternation. The day after the battle the King returned to Edinburgh, and in a few days he went into Fife, and retired to his Palace of Falkland, where he gave himself up entirely to melancholy. No man almost got access to him except his chief confidants; and he remained fixed to his bed, being vexed with various cares, and quite worn out with watching and fasting.

While he lay in this dismal posture, news was brought him that the Queen was brought to bed of a daughter at Linlithgow, and when he heard this, he is said to have turned his face to the wall, and to have spoken to this purpose:—"It will end as it began. The crown came by a woman, and it will go by one. Miseries approach this poor kingdom. King Henry will labour to make it his own, by arms or by marriage." After this, either by grief or poison,² he died

¹ A castle distant about twelve miles to the west from the Marshes.—[Bishop Keith must here mean *Scottish miles*, for Caerlaverock Castle is probably twenty-four English miles from the river Sark, which is the boundary between Dumfries-shire and Cumberland at the ancient *Debateable Ground*. The ancient Castle of Caerlaverock is on the coast of the Solway Frith in the parish of its name, which comprises the tract on the east side of the river Nith, near its entrance into the Solway Frith, and bounded on the east by the Lochar, which joins that estuary at Lochar Mouth, after traversing the Lochar Moss in the parishes of Dumfries and Torthorwald. The Castle is about eight miles south-west from the town of Dumfries. It is celebrated in history, and an account of the siege of it by Edward I. in 1300, written by Walter of Exeter, was published in 1828 by Sir Nicholas Harris Nicolas, in one volume quarto. The Castle was long the stronghold of the Maxwells. It was repaired in 1638, and taken by Cromwell in 1651, soon after which event it was allowed to become a ruin, but it is still a massive structure, and is an object of great attraction in its locality.—E.]

² Both Drummond and Melville report, especially the latter, that the clergy caused him to be poisoned; but as it is ordinary to affirm that kings die of a dose, and neither Knox nor Buchanan saying any thing of it, it is hard to determine in the matter. Sir James Balfour says he died of a Lent fever.—[The accusation that the King was poisoned by the clergy is an atrocious falsehood, unworthy of notice.—E.]

the ——¹ day of December 1542, having lived thirty years and eight months, leaving his heiress an infant only some few days old.² It is a gross error in our historians to say he died in the thirty-third year of his age.

On the 14th day of January 1542-3, the King's body, having been transported from the Palace of Falkland,³ where

¹ The learned annotator on Buchanan, Hist. fol. edit. Edin. 1715, p. 450, has enumerated the principal authors that condescend on the day of the King's death, some placing it on the 10th, others on the 13th, 14th, and 20th days of December; but the most probable of all is that he died the 13th, because this is supported by a letter written by the Earl of Arran, Governor of the kingdom, to the Pope. Vide Epist. Regum Scot. vol. ii. And there is in the Advocates' Library a copy of the confirmation of former leagues betwixt the Kings of France and Scotland, which is dated the 15th of December, in the second year of the reign of Queen Mary, by which we are assured that the King was dead before or on the 15th of December the preceding year.—[Bishop Keith leaves the date blank in his text, but it is now ascertained that James V. died on the 14th of December 1542, which is confirmed by the authorities cited by Pinkerton, viz. Harleian MS. 2363. Cal. B. v. 192, and B. viii. 296. Cardinal Beaton, the Earls of Argyll and Rothes, Lord Erskine, Durie a physician, Sir David Lindsay of the Mount, and a few others, were with the King when he expired.—E.]

² Lesley says Queen Mary was born on the 7th day of December, Knox and Drummond the 8th. As to the difference, that is remarked in Buchanan, who says, in the close of the 14th Book of his History, that King James V. died *relicta filia ante quintum diem nata*; and in the beginning of the 15th Book, *Puellam octavo ante ejus mortem die natam reliquerat*. Perhaps it may be reconciled by observing that the 8th of December is just five days before the death of the King, if supposed to be on the 13th, which might occasion a casual mistake in the author's own writing, or in his transcriber.—[Queen Mary was born on the 7th of December, exactly seven days before her father's death.—E.]

³ The village and Palace of Falkland, in the county of Fife, is twelve miles from St Andrews on the west, and ten from the water of Forth north from Edinburgh. It was anciently the seat of Macduff Earl of Fife, from whom it came to Murdoch afterwards Duke of Albany, after whose forfeiture and execution for high treason, in the reign of King James I., it hath probably fallen to the Crown. King James V. seems to have resorted much there for love of the large hunting fields that lie near the place.—[Bishop Keith again means *Scottish miles*. Falkland Palace is ten English miles south-west of Cupar-Fife, which is ten miles from St Andrews, and Falkland is at least fifteen miles by the road from Kinghorn, on the north shore of the Frith of Forth, and twenty-five miles from Edinburgh. The Palace is close to the ex-royal burgh of its name on the north side of the Easter Lomond Hill, and is part of three sides of a square which was repaired by James V. The restoration of the edifice was begun in 1823 by Mr Bruce of Falkland, and completely finished by his relative and heiress, Mrs Tyndal Bruce. The architecture is very elegant, and a beautiful garden, laid out in the most ornamental manner, surrounds the Palace. A part of the front of the edifice has a strong

he died, to the Chapel of the Palace of Holyroodhouse,¹ was honourably deposited there beside the body of his first Queen; the Cardinal, the Earls of Argyll, Marschal, Rothes, Arran, and a great many more of the Nobility attending the corpse. Nor was there any thing wanted that could render the funeral pomp both decent and magnificent. The embalmed body is yet to be seen, whole and entire, in a vault² built by his grandchild King James VI., in the south-east corner of the neff of that stately church, which stands to this day, the choir whereof was demolished by the English armies that thereafter entered Scotland.

resemblance to the south-west towers of Holyrood Palace at Edinburgh.—E.]

¹ The Palace and Abbey of Holyroodhouse stands close at the east end of the city of Edinburgh. The Abbey belonged to the Canons-Regular.—[The Palace and Abbey, or properly the now ruinous and roofless Chapel-Royal, abounding with the most interesting associations, are so prominent in all the local accounts of Edinburgh as to require no particular notice in this Work. The site of the Palace and Abbey is, as stated by Bishop Keith, at the east end, or, as it is locally phrased, at the *foot* of the Canongate. The hills known as Arthur's Seat and Salisbury Crags are in the extensive royal domain behind the Palace. The Chapel-Royal is the only remaining part of the abbey church of the monks of Holyrood.—E.]

² In the same vault are to be likewise seen the bodies of Queen Magdalene, of the Lord Darnley, husband of Queen Mary the King's daughter, of the Countess of Argyll his natural daughter, &c., all which bodies are lying open to the view within the vault, the coffins having been broke open by a disorderly mob in the month of December 1688.—[The shameful neglect of the Royal Vault in the Chapel-Royal of Holyrood is a national disgrace. The mob at the Revolution broke into it, carried off the lids of the coffins, and profaned the church by their sacrilegious plunder. Arnot states that in 1776, when he saw the body of James V. and others of the Royal Family of Scotland interred in the Royal Vault, the coffins were stolen, and the skulls of Queen Magdalene and of the unfortunate Lord Darnley had been pilfered, but the *thigh bones* of the latter remained. History of Edinburgh, 4to. 1779, p. 253, 254, 255. In 1844 all the bones in the Royal Vault, which is carefully secured, appeared as huddled together in a promiscuous heap. The Abbey and Chapel-Royal of Holyrood have been long held in peculiar veneration by the members of the Scottish Episcopal Church. The following notice, by an eye-witness, of the Royal Vault—a most dismal and repulsive hole, may be considered interesting :—“ In this month of January 1683, was discovered accidentally, by the removing some seats in the church of Holyroodhouse, the vault on the south east end [side] of the church where the body of King James V. lies buried. Skene and others, in their chronologies of the Scots Kings, tell us he was buried at Holyroodhouse, but the length of time and negligence had worn the particular place out of the memory of men. It was known to be him by the inscription on his leaden coffin. I had the curiosity to go and view the relics of the gallant Prince. In the pend

King James was born in the month of April 1512,¹ and lost his father at the unfortunate battle of Flowdon Hill in Northumberland on the 9th of September, in the following year 1513. It hath been already observed that the administration of the Government during his minority was, according to his father's latter will, lodged in the hands of his mother during her widowhood; and that, after her marriage, John Duke of Albany was, by the States, declared governor of the realm, in which office he continued till the King took the administration upon himself. His Majesty was of a middle stature, but rather tall; his eyes of a dark grey, and very penetrating; his hair of a yellow colour, turned up into links; his voice sweet; his aspect and countenance comely; so that he was reckoned the handsomest prince of his time. His body was sound and healthy, and of a vigorous constitution; and he rendered it still more firm and strong by a constant application to labour and exercise,

[arched vault] or cell there are no leaden coffins. The first is King James V. who died in 1542, but Drummond of Hawthorden, in the very end of his Life, tells us this is not the place where he was first interred, but that King Henry VIII. of England's army having defaced his tomb and monument, he was transported into this vault by King James VI., and re-embalmed, which appeared by the freshness of his body and the liquor about him. The second is his first Queen, Magdalene, daughter to Francis I. King of France, who died in 1537. The third is Henry Lord Darnley, father to King James VI., and Queen Mary's husband, who was strangled in 1567. By his body he appears to have been a very tall proper man; others call the body Signor David Rizzio's, the Italian musician. The fourth is Lady Jane Stuart, bastard daughter to King James V., and Countess of Argyll, who died in 1587. The other two are some of their children." Historical Observes of Memorable Occurrents in Church and State from October 1680 to April 1686, by Sir John Lauder of Fountainhall, Edin. 4to. 1840, printed for the BANNATYNE CLUB, p. 89, 90.—E.]

¹ The day of his birth is uncertain; some say it was the 15th, others the 11th, and others the 5th.—[Pinkerton states—"He was born *about* the 16th of April, as appears from a letter of Magnus, Cal. B. VI. f. 333, mentioning that at Easter, 1525, James would attain the age of thirteen. In the Epistle, R. S., I. 142, date *duodecimo* as the MS., not *undecimo*; Easter happened on the 11th of April, so that the birth of James is fixed to the 10th of April 1512 by that letter, p. 141."—History of Scotland, *note*, vol. ii. p. 110. Yet Pinkerton has a contradictory statement in another part of his History. He says—"James was born on the 10th of April, as above evinced, and some contraction has occasioned the change of date from the 13th or 23d to the 3d. Yet, as his birth happened on Easter Eve, it is likely that it was computed from Easter to Easter, as the letter of Magnus, quoted in the commencement of this Reign, seems to prove." History of Scotland, *Note*, vol. ii. p. 342.—E.]

and an exemplary sobriety in his eating and drinking. He had likewise a quick and ingenious mind ; but, by the misfortune of the age in which he lived, it was not sufficiently cultivated with generous education. Yet he loved learning and learned men, and was naturally given to poesy, in which he hath succeeded very well, if the old Scots ballads, which fame ascribe to him, be really genuine and of his composition. He was likewise well seen in the laws and customs of his kingdom, and did oft-times hear and decide controversies in the places through which he travelled. And because he observed that his subjects were at a great loss for want of a settled Court of Justice, managed by Judges learned in the law, he first instituted in Scotland the COURT OF SESSION,¹ or COLLEGE OF JUSTICE,² consisting of fifteen Judges, to remain fixed in a certain place, as it subsists to this day. *And long may it do so !* Moreover, his propensity to justice

¹ There had been a design set on foot for a fixed Court of Justice by the Duke of Albany during his Regency, and perhaps the King took the hint from thence ; or probably they both took it from what they had seen in France. The thing was in agitation for a considerable time by the King, as would appear from our historians ; but the first Act of Parliament constituting the Court is of no older date than the 7th of May 1537, and the Pope's Bull authorizing it is dated the 12th day of March 1534 ; for the Court consisted then of seven clergymen, seven laymen, and a President of the clergy ; but since the Reformation all the fifteen Judges are of the laity.

² [The capitals are Bishop Keith's, as are also the italics—“ *And long may it do so !*” The cause of the Bishop's fervent admiration of the Court of Session is not apparent. He is wrong in stating that “ since the Reformation all the Judges are of the laity.” The distinction of spiritual and temporal Judges was long carefully preserved—a spiritual Judge being appointed when a vacancy occurred on that side of the Bench, and a layman when the same happened on the temporal side ; but this peculiarity was ordered to be “ suppressed and forgotten” by an Act of the Covenanted Parliament in 1640, by which all the Judges were ordered to be laymen (Act. Parl. Scot. folio, vol. v. p. 306), and this arrangement has been always observed since, with the exception of Alexander Burnet, Archbishop of Glasgow, who was appointed an Extraordinary Lord of Session on the 4th of November 1664. Assuming the year 1560 as the date of the triumph of the Reformation in Scotland, the Judges on the spiritual side of the Court were numerous, previous to the outbreak of the Covenanted rebellion in 1630. Among these were James Balfour, Parson of Flisk ; John Leslie, Parson of Oyne ; Adam Bothwell, Bishop of Orkney ; Robert Maitland, Dean of Aberdeen ; Archibald Douglas, Parson of Douglas and of Glasgow ; John Sinclair, Bishop of Ross ; Alexander Gordon, Bishop of Galloway ; Archibald Crawford, Parson of Eaglesham ; John Lindsay, Parson of Menmuir ; John Barton, Dean of Dunkeld ; John Colville, Chantor

was such, and his desire to suppress the then too much prevailing custom of robbery and thieving so great, that, whenever he got notice of a company of thieves, he would mount his horse by day or by night, in hot, cold, or wet weather, and seldom halted till he had dispersed or caught them; and this many times he would do in a manner that did but too much expose the majesty of his person to those wild and rude ruffians. However, it so fell out by the providence of God, that he never received any harm that way. Nor was this justiciary care of his confined to the inland parts of his kingdom only; for he also made a bold attempt, and sailed round the Isles, ministering justice by executing the most guilty, and compelling others to give security for their future good behaviour. This extreme vigilance to deliver his kingdom from spoil and rapine, the terror which he struck into those banditti,¹ and a most easy access granted to the poorest and meanest of his subjects, gained him the name of a *good poor man's King*, and raised a common saying, which continues to this day, viz.—*That he made the rush-bush keep the cow*. But his princely regard for the welfare of his people did extend itself yet farther, in encouraging them much to prosecute and apply themselves to foreign trade; and he brought into the country foreign artificers to set up and teach manufactures at home, and particularly men skilled in mining, by whose assistance he first digged up gold in this kingdom.² He was a good

of Glasgow; Peter Rollock, Titular Bishop of Dunkeld; John Spottiswoode, Archbishop of Glasgow; John Maxwell, Bishop of Ross. Some of them, however, were Extraordinary Lords, whose office, by statute George I. c. 19, was abolished, and expired with John Hay, fourth Marquis of Tweeddale, who died on the 9th of December 1762. The Extraordinary Lords derived no advantage from their appointments, and were removable by the mere will of the sovereign. By the original constitution, the College of Justice consisted of a Lord President and fourteen Senators, and this number continued unaltered for nearly three hundred years, amid all the changes which took place in the powers and jurisdiction of the Court, till they were reduced to thirteen by the Acts, 11 Geo. IV. and 1 Will. IV.—E.]

¹ I choose to call them so, because they were worse than what we commonly call robbers, for they went about in great companies openly and without fear, with a captain at their head. Something of this kind is to be found in the Highlands at this day.—[Before the abolition of the hereditary jurisdictions after the suppression of the Enterprize of 1745.—E.]

² [Bishop Keith's eulogy on James V. for encouraging manufactures

manager of his treasure and of his private affairs, yet stately and magnificent, when his dignity required it. In a word, he was a Prince adorned with many good endowments, and might have proved a great blessing to a wise nation. His death was certainly an unspeakable loss.

As to the vices charged upon the King by Buchanan and Knox, two historians contemporary with him, though too much affecting a power in the populace, not to find some faults in a King who endeavoured early to maintain the distance of majesty, and support the dignity of a crown, it may be looked upon as an excellent apology for him what both relate of him, namely—*That his bad morals were rather to be attributed to the licentiousness of the times, than to his own natural disposition.* By which *bad morals* are to be understood his being too much addicted to women, and making too light of taking the name of God in vain¹; for

and mining in Scotland is justly merited. After mentioning his importation of superior breeds of horses from Denmark and Sweden, and his attention to his artillery and military stores, Pinkerton eloquently observes—“With yet more laudable views, artisans of all descriptions were sedulously invited from the same countries, and from Holland, Spain, and England; and the royal munificence secured their abode in Scotland by the most liberal wages, and even by annual pensions. Invited by his fame as the patron of every useful labour, some Germans had visited Scotland, and endeavoured to discover gold in the mines of Crawford Muir, but with dubious success, though it be certain that this precious metal is found in the Scottish soil.” History, vol. ii. p. 372, 373. Gold was subsequently found in Crawford Muir, better known as Leadhills, and some valuable specimens are still preserved; but bullion was always imported into Scotland by merchants in proportion to their cargoes, which was regulated by an Act passed in 1488. Acta Parl. Scot. vol. ii. p. 212. Pinkerton cites Lindsay of Pitscottie, who enumerates gunners, carpenters, carvers, painters, masons, smiths, harness makers, weavers of tapestry, embroiderers, tailors, surgeons, apothecaries, “with all other kinds of craftsmen that might bring his realm in policy.”—E.]

¹ [The habit of profane swearing in which James V. is said to have indulged is not particularly mentioned by historians. His “being too much addicted to women” is a matter of notoriety, and seems to have been the characteristic of all his royal ancestors of the name of James. He left six illegitimate children—James, Abbot of Kelso and Melrose, by Elizabeth Shaw of the Family of Sauchie, who was educated by Buchanan, and died in 1558; another James, afterwards Earl of Moray and Regent, by Margaret daughter of John Lord Erskine, who married Douglas of Lochleven; Robert, Prior of Holyroodhouse, though never in holy orders, afterwards titular Bishop of Caithness and Earl of Orkney; John, Prior of Coldingham, and subsequently Earl of Bothwell; Janet, who married the Earl of Argyll, by Elizabeth daughter of Sir John Carmichael;

these are the only two vices that I find sufficiently vouched against him ; and would to God they were vices yet less to be censured amongst the great in our days, than they were in him. As to covetousness of money, which is laid to his charge by Mr Buchanan, any person who is well acquainted with the history of King James, will perceive some mistake to be therein ; nay, that same author seems not to insist upon it. The single remaining flaw observed in the King, which would be looked upon as an imprudence rather than a vice, was a too great disregard of his Nobles. I shall not presume absolutely to vindicate or condemn him in this, unless circumstances were better known than they now are, or ever are like to be ; but this I may say, though with regret, that whosoever shall look into the body of our historians, be they never so popularly affected, will find that the Nobles of Scotland, particularly since Malcolm II. divided the lands of the kingdom amongst them, seven hundred years ago, have not only been frequently factious, and very troublesome to one another, but have often extended their insolencies even to the sacred persons of their sovereigns ; and this very King had sufficiently experimented the like treatment during his minority. Now, if, in a country where such rebellious practices have prevailed and become habitual, a King shall arise who would pretend to keep the Nobles in their duty, it is almost plain to a demonstration that grudges will ensue ; and it is equally certain, that if there be in the kingdom another set of men that can be made use of as a balance to support the King in his just prerogative, that King will as certainly place his favour on these men, which is the very thing that King James was blamed for, with respect to the clergy in opposition to the Nobility. And if this was the case with him and his Nobles, as indeed it was, then every one is at freedom to form what judgment he shall think proper concerning the conduct of this King. It is hardly to be imagined that so fine a gentleman as the King was, would merely out of caprice, have set himself to extirpate or even discountenance his Nobles, but the late minorities in the Royal Family, which have been already taken notice of, having probably rendered

and Adam, Prior of the Charterhouse at Perth, by Lady Elizabeth Stuart, daughter of John Earl of Lennox. It is said that James V. had other illegitimate children by women of inferior rank.—E.]

them out of measure insolent ; and besides, he being a person of a sound judgment, and finding few of the Nobility capable to serve him as ministers of State, for want of education and letters, saw himself under a necessity of making use of the clergy and other gentlemen of inferior rank, whose circumstances in the world had obliged them to cultivate their minds with learning, in order to obtain preferment. What Mr Sadler, in his first embassy to Scotland, writes to one of the Privy Council of England, after he had taken notice of our King's Court, may in great measure serve to confirm this observation, and to support his Majesty's wisdom in the choice of his favourites. "To be plain with you," says the ambassador, "I see none among them," i.e. the Scottish Nobility, "that hath any such agility of wit, gravity, learning, or experience, to take in hand the direction of things ; so that the King, as far as I can perceive, is of force driven to use the Bishops and his clergy, as his only ministers for the direction of his realm. They be the men of wit and policy that I see here."

The King married, first, Magdalene¹ daughter to Francis I. King of France, on the 1st day of January 1536-7, in the city of Paris, with whom he landed at Leith in the month of May thereafter ;² but as she was looked upon to be

¹ Lesley and Buchanan do both take notice that Mary of Bourbon, daughter to the Duke of Vendosme, was the first projected wife for the King, and Buchanan says that though the King's ambassadors succeeded very well in their negotiation, yet they had not courage to finish the marriage contract, without first acquainting their master ; yet Mezeray affirms that the contract was actually signed. That French historian, and not Mr Buchanan, hath good ground for what he relates, for I have seen a copy of the contract in the Lawyers [Advocates'] Library, dated at Cremieu in the Dauphinate the 6th of March 1535-6, signed both by the King of France, the adoptive father of the Princess, and by all our King's ambassadors, who were James Earl of Murray, natural brother to the King and Lieutenant-General of the kingdom ; William Stewart, Bishop of Aberdeen, the Treasurer ; John Lord Erskine ; Sir Thomas Erskine of Brechin, the Secretary, Robert Reid, Abbot of Kinloss ; and, who should have been named first, John Duke of Albany, the late Governor of the kingdom, then living in France, and whom the King by his commission, which bears date from Stirling the 29th of December 1535, expressly requires to be one of the three that must still be present at the consulting and drawing up of the conditions of the contract. The King, upon advice from his commissioners, took journey into France, but it seems the lady did not please him, after he had incognito seen her, which she took so ill that she afterwards renounced the world, and turned religious.

² Lesley says she arrived the 19th of the month ; Buchanan, on the 28th. —[James V. and his amiable Queen Magdalene of Valois, daughter of

but in a languishing state of health, at the time of her marriage, so she lived but a short space after her arrival in this country ; for she died in the month of July that same year.¹ Yet, by her gracious deportment, the little time she was among us she had so gained the hearts and affections of persons of all ranks and conditions, that her death was much lamented ; and for a testimony of their sorrow they put on mourning, which, as Mr Buchanan judges, was the first time that mourning-clothes were worn in Scotland.²

The following year the King married, by proxy, Mary daughter to the Duke of Guise, and widow of the Duke of Longueville, who arrived at Crail, on the coast of Fife, the 10th day of June 1538. By her he soon after had two sons—James, born in the year 1539, and Arthur in 1540 ; but they both died in the beginning of August, about a month after the birth of the last. The Queen after this brought forth only one daughter named Mary, who became her father's successor in the kingdom.

Francis I., arrived at Leith on Whitsun Eve, the 19th of May 1537, at ten o'clock in the evening.—E.]

¹ Buchanan says on the 7th day ; Lesley the 10th.—[There is no doubt that Queen Magdalene died on the 7th of July 1537. See the Extracts from the Lord Treasurer's Accounts in Pitcairn's Criminal Trials, vol. i. Part I. p. 287, 297. We have an *item* entitled—"The Queen's Obit, nono Julii." Queen Magdalene, who died *enciente* at the early age of sixteen, was born "en Aoust 1520, le jour Saint Laurent, 10 heures apres midy a Saint Germain en Laye," Chronicle of Louisa of Savoy, mother of Francis I., *apud* Guichenon's History of Savoy, tom. v. p. 461, quoted by John Riddell, Esq. Advocate, in his "Inquiry into the Law and Practice in Scottish Peerages," vol. i. p. 448. Mr Riddell inserts an *Epitaphium* "written in a contemporary hand, in an original notarial protocol, containing various instruments during the period." The concluding lines are—

" Quid juvet in longo producere stemmate vitam,
Pallida tam juvenes mors rapit atque senes.
Vive, igitur, felix, mi Jacobe, in Nestoris annos—
Haud secus atque tui, si memor ipse mei."

"How sadly," says Mr Riddell, "was the prayer here disappointed by the result ! Magdalene was popular, and a favourite with the nation. Every one knows Buchanan's lines—

" Nata bis octonos Valesia Magdalis annos, &c.
—— spe, et votis Regia mater eram," &c.—E.]

² [All historians are agreed that the death of Queen Magdalene was the first occasion of a general public mourning in Scotland. Buchanan, who was an eye-witness, says it was the first instance of mourning dresses having been worn by the Scots, "which even now, after forty years, are not very frequent, although public fashions have greatly increased for the worse."—History, Book xiv. 52.—E.]

CHAPTER III.

A CONTINUATION OF THE AFFAIRS OF STATE FROM THE DEATH OF KING JAMES V. ANNO 1542, TILL THE DESCENT MADE UPON SCOTLAND BY THE ENGLISH NAVY, ANNO 1544.

KING JAMES V. dying thus in the flower of his age, and leaving the kingdom under great disorder, both by reason of the war with England and for want of a settled administration at home, the Cardinal of St Andrews, hoping to aggrandise himself amidst the public calamities, did, as it is said, in the last minutes of the King's life, and when he was even almost dead, take the King's hand into his, and so leading it along, caused him subscribe a blank paper,¹

¹ This is the current report, but whether true or not true I shall not offer to determine. It is indeed certain that the Earl of Arran talked of it with Mr Sadler as a crime for which he might prosecute the Cardinal, for which see Sadler's Letters, p. 161. Bishop Lesley takes no notice of any such thing, but owns that the Cardinal and some others opposed the advancement of the Earl of Arran, because, as they affirmed, the late King had, by his testament, appointed four administrators of the kingdom during the nonage of his daughter, which, however, that author confesses they could not sufficiently make appear. If the Cardinal was really guilty of this crime, it seems hard to conceive how it came not to be laid to his charge at the time he was shut up in prison; and that no such thing was done is evident, from the following part of a letter, from the King of England, to the above mentioned Mr Sadler his Ambassador, dated 30th March 1543, viz.—“We could never yet hear from them [the Lords of Scotland] what special things they had to lay against the Cardinal when they took him.”—[The story told by Knox and Buchanan is that Cardinal Beaton hired a mercenary priest to counterfeit a will, and caused the King to transcribe it, or at least to subscribe a blank document, which was afterwards filled up. The Cardinal is said to have guided the King's hand himself in this matter, and Knox asserts that James was actually dead when the Cardinal seized his hand. If we consider the character of the individuals who were in Falkland Palace with the Cardinal at the time of the King's death, most of whom were his inveterate enemies, and one of them—Norman Leslie—the chief conspirator in his assassination, yet none of whom afterwards brought forward this charge against him, it must be received with caution. It was nevertheless generally believed, and the Cardinal neither affirmed nor denied it himself, but posted immediately to Linlithgow Palace to visit the Queen, who, notwithstanding her situation, was able to converse with him on public affairs. He caused himself to be proclaimed Regent along with the noblemen mentioned in the document.]

wherein afterwards he himself was appointed tutor to the young Queen, and governor of the realm; and three of the principal Nobility assigned him as counsellors or assessors in the administration, viz. the Earls of Huntly, Argyll, and Arran.¹ This counterfeit testament, the Cardinal caused to be proclaimed at Edinburgh on the Monday after the King's death, as may be gathered from Mr Knox; but as the truth of this testament began soon to be suspected, the Nobles, and other persons of distinction, together with the relations of the Earl of Arran, who was next in blood to the crown, did, on the 22d of December, according to Lesley, proclaim that Nobleman governor of the kingdom, and tutor to the Queen, notwithstanding the struggle and opposition made by the Cardinal and his party.

Whilst these things were a transacting in Scotland, the chief of the prisoners taken at Solway Moss were carried to London by Sir Henry Saville and Sir Thomas Wentworth, whither they came on the 19th of December, wearing, by King Henry's appointment, a red St Andrew's Cross, and were presently committed to the Tower; and on the 21st of the same month, the Nobles, together with Oliver Sinclair, were conducted by Sir John Gage, Constable of the Tower, riding before them, and the Lieutenant behind them, two by two, in new gowns of black damask furred with black conies, coats of black velvet, and doublets of satin, to the Star Chamber, where Thomas Lord Audley, the Chancellor, reprimanded them in the King his master's name for the late attempt upon his kingdom; but withal told them—"That such was his Majesty's benignity, that he would shew them kindness for unkindness, and right for wrong;" and thereupon, after their promise to remain true prisoners, commanded that they should no more be returned to jail, but be distributed into divers Noble houses, there to be

One thing is certain, that whatever share the Cardinal had in the matter, he found no difficulty in arranging it after Arran's assumption of the Regency. Three days afterwards, on the 25th of December, free pardons were granted to him and the other Lords involved in the transaction, the Cardinal having been Regent of Scotland only about one week.—E.]

¹ Buchanan expressly and only mentions the Earl of Arran as one of the three, but that Lord is omitted by Knox and Spottiswood, and the Earl of Moray, the late King's bastard brother, put instead of him.

entertained suitably to their rank and quality; which was immediately done, and they were lodged with the principal persons and officebearers of England, such as the Archbishop of Canterbury, Lord Chancellor,¹ Dukes of Norfolk, Suffolk, &c. Now, as King Henry was well known not to be over mild in his nature, this management of his makes it appear how earnest he was to gain the friendship of the kingdom of Scotland, which, as we have already shewn, he had had of a long time much at heart; and the truth is, he was very lucky in his late civility to his prisoners, for on the morrow, news was brought him of his nephew the King of Scotland's death,² and of the birth of his daughter a few days before. This begot a new scheme in the mind of King Henry, who gave orders for the Scottish Lords to attend him at Court, on the 26th of the same month, where they were nobly entertained, and then he discovered³ to them his inclination to have the kingdoms of Scotland and England united, by a marriage betwixt his only son Prince Edward, a child little above five years old, and Mary their infant sovereign; nor did his Majesty leave any proper means⁴ un-essayed, to gain the assistance and good offices of the Noblemen, to second his design. And it is certain that some of them did very cordially enter into his measures, promising upon oath, and binding themselves to labour all they could, not only to bring about the projected match, but likewise to bring the young Queen immediately into England, and to get the government of the kingdom of Scotland devolved upon his Majesty, and the strongholds thereof delivered into his hands. Hereupon King Henry released them all, under obligation, nevertheless, to give their sons or nearest relations as pledges for entering themselves prisoners again, if they should not be able to accomplish what they had undertaken, against a certain day prescribed them by that King. Under these engagements, they began their journey homeward on the first

¹ [Thomas Goodrick, Bishop of Ely, Lord Chancellor from 1534 to 1545.—E.]

² It may, however, be a question whether King Henry might not have had private intelligence of all this, even before he caused the Scottish Lords to be brought from the Tower, our King having been dead a full week before that time.

³ Some English writers say that the Lords of Scotland first proposed the match.

⁴ It is plain, from Mr Sadler and other English historians, that King Henry kept them in pension to forward his designs.

day of January 1542-3, having in their way dined at Enfield, in order to see the young Prince, whose cause they were to take in hand. And in their company, and under the same obligations, returned Archibald Earl of Angus, brother-in-law to King Henry, and his brother, Sir George Douglas, who had been exiles in England for the space of above fourteen years, with letters from the King of England, containing a request for their restitution to their lands, liberties, &c.

The Lords¹ arrived at Edinburgh about the middle of

¹ These were the Earls of Cassillis and Glencairn, the Lords Somerville, Maxwell, Gray, Oliphant, and Fleming. It doth not appear by Mr Sadler's negotiations that any other of the Scottish prisoners were sent home on this errand ; however, I shall, for the satisfaction of the reader, set down here from the "*Fœdera Angliæ*," the names of the other principal persons, together with the sums stipulated for their ransoms, by the ambassadors of Scotland, at the time that the treaties of marriage and commerce were agreed upon this summer, at which time the ransoms for the above Noblemen, viz.—Cassillis, &c. were stipulated also ; by which it would appear that they had been dismissed by King Henry upon their single parole, at least till they came to Newcastle, where they remained till their hostages came thither. Earls of Cassillis and Glencairn at L.1000 each ; Lords Somerville, Maxwell, and Fleming, 1000 merks each ; Lord Gray, L.500 ; Lord Oliphant, 800 merks ; Oliver Sinclair, L.500 ; George Home Lord of Ayton, L.200 ; Robert Erskine, son and heir to the Lord Erskine, L.200 ; William Seton, 200 merks ; Patrick Hepburn, 500 merks ; James Pringle, 400 merks ; James Sinclair, L.100 ; Alexander Sinclair, L.100 ; John Maitland, L—d of Awn Castle, 200 merks ; Henry Maxwell, brother to the Lord Maxwell, L.100 ; John Ross Lord Craigie, the Lord Monkereth, William Monteith, Lord of Carsy, 300 merks each ; John Leslie, younger son to the Earl of Rothes, 200 merks ; John Carmichael, eldest son to the Captain of Crawford, L.200, all sterling money. And it was agreed that, in case the English prisoners be taxed at a lower rate in Scotland, the sums above limited shall be abated in proportion ; and likewise that the prisoners of Scotland shall be used with such gentleness as shall be shewed to the prisoners of England. This last clause would seem to make it evident that those other Scottish prisoners here mentioned, were yet detained in captivity, except the seven Noblemen first mentioned, and perhaps Oliver Sinclair.—[Rymer's "*Fœdera*," folio, 1712, vol. xiv. p. 796, 797. John Maitland is designated *Matland of Awyn Castle*. The object of Bishop Keith, in printing him as L—d, by which he must have intended *Lord* or *Laird*, is not apparent. George Home, "Lord of Ayton ;" John Ross, "Lord of Craigie ;" the "Lord Monkereth," and William Monteith, Lord of Carsy, were not Noblemen, but simply landed proprietors, small Barons, or *Lairds*, as they were designated in Scotland, and of the same rank as the *Lord of a Manor* in England, or simply *country gentlemen*. The "Lord Monkereth," or "Laird Monkereth," is evidently Maxwell of *Monreith*, ancestor of the Maxwells, Baronets of Monreith, in Wigtonshire. There is, however, another *Monreith* in Dumfries-shire.—(Index Locorum—Dumfries—Abbrevatio Inquisitionum Retornatarum, folio, vol. i. 102, 266, 346). George Home, "Lord of Ayton," was the descendant of George

January, after having delivered their pledges at Newcastle to the Duke of Suffolk, Lieutenant of the north parts of England ; and how soon they arrived, they declared to the Governor the proposition made by the King of England, who had wrote by them to the Estates of Scotland concerning the same, and had offered a safe-conduct to such as should come from Scotland to treat thereupon. The Governor hearkened readily to the proposal, and summoned a great council to meet the 27th of the same month, to advise what was properest to be done in that affair. The result whereof was to indite a Parliament against the 12th of March ensuing, in order to act in the marriage by public authority ; and, in the meantime, to send for the safe-conduct offered by the King of England, for certain ambassadors to go thither, to conclude both the marriage and the peace. And in the same council it appears a resolution was taken to seize Cardinal Beaton and put him in prison,¹ upon an uncertain information by the Lord Lyle,² that the Cardinal had procured the Duke of Guise to come into Scotland with an army to subdue it, and take the government of the same ; which resolve was accordingly put in execution, and the Cardinal was shut up within the Castle of Blackness, on the south side of the river Forth, ten miles above Leith,³ in

second son of Sir Alexander Home of Home, created Lord Home in 1473, ancestor of the Earls of Home, the Homes of Ayton, and other branches of that ancient Family. All the "Lairds" mentioned, with the exception of the "Lord of Craigie"—see the note, p. 100—were proprietors near the Borders.—E.]

¹ Sadler's Negotiations, p. 74, 161.

² [John fourth Lord Lyle, in the Peerage of Scotland, who married Grizel, daughter of Sir David Beaton of Crieche, niece of Archbishop James Beaton, and the cousin of the Cardinal. This Peerage became dormant at his death.—E.]

³ [Blackness Castle, in the parish of Carriden, county of Linlithgow, is six English miles west of South Queensferry, and the latter little royal burgh is nearly nine miles from Leith. It was well known in Scottish history as a State prison, and is one of the four national fortresses stipulated by the Articles of Union to be kept in repair. The imprisonment of the Cardinal on the 20th of January 1543, was attended with consequences for which Arran and his friends, in their zeal for the English alliance, were not prepared. The clergy recognized the Cardinal's case as their own, and concerted a serious retaliation in every district. "The public services of religion," says Mr Tytler, "were instantly suspended ; the priests refused to administer the sacrament of baptism and burial ; the churches were closed ; a universal gloom overspread the countenances of the people ; and the country presented the melancholy appearance of a land excommunicated for some awful crime. The days, indeed, were past,

custody of the Lord Seton, though, as the Governor confessed to Mr Sadler, they had no proof afterwards of that information. But the English Lords, as they were then called, viz. these who had lately come from England, and were known to be pensioners of that crown, saw it absolutely necessary for their designs to have this Prelate put out of their way, who they were assured would, by his mettle and interest, be able to baffle all their intentions. Therefore, having now got rid of him, they lay themselves out all they can to set forward the match with England. And because the transactions relating to this affair have formerly been represented too confusedly, and too superficially, as well by our own historians as those of our neighbour nation, they being all led by the narration of Mr Buchanan especially, I expect the reader will pardon me, if I insist somewhat longer on this matter than perhaps might otherwise have been necessary, with a view of rectifying former mistakes, by the help of our public records, and the letters and negotiations of the English ambassador transmitted to his Court.

The first thing entered upon the next day after the meeting of the Parliament, for there was no business done the first day, was to declare James, Earl of Arran, second person of the realm, and nearest to succeed to the Crown thereof, failing the infant Queen and the issue of her body; and to ratify his office of being tutor lawful to the Queen, and governor of the kingdom, during her nonage.¹ The same day, viz. the 13th of March, the Archbishop of Glasgow,² then Lord Chancellor of the kingdom, made a motion

when the full terrors of such a state of spiritual proscription could be felt; yet the Catholic party were still strong in Scotland; they loudly exclaimed against their opponents for so daring an act of sacrilege and injustice; and the people began in some degree to identify the cause of Beaton with the independence of the country." *History of Scotland*, vol. v. p. 318. The Earls of Bothwell, Huntly, and Moray, offered themselves as hostages for the Cardinal, demanding that he should be set at liberty, and the Earl of Argyll retired into his own district, with the avowed purpose of summoning his Clan, and holding himself in readiness for any emergency. The Cardinal was soon released from Blackness Castle, and was carried first to the castle of Dalkeith, and next to Seton House in Haddingtonshire, by Lord Seton, but he was soon allowed to return to St Andrews.—E.]

¹ Records of Parliament.—[Acta Parl. Scot. folio, vol. ii. p. 411.—E.]

² [Gavin Dunbar, described by Bishop Keith in his "Catalogue of the Scottish Bishops" as "of the family of Cumnock." He was the nephew of Gavin Dunbar, his contemporary as Bishop of Aberdeen, and had been preceptor to James V. His first ecclesiastical appointment was the Priory of Whithorn, the episcopal seat of the See of Galloway, and in 1524 he

concerning a treaty of peace with England, and the marriage of the young Queen with Prince Edward; and exhibited Instructions¹ to the ambassadors that were to be sent into England for these purposes, namely, Sir James Lermouth of Balcomie, Sir William Hamilton of Sanquhar, and Mr Henry Balnaves of Halhill, Secretary of State.² As to the

was consecrated Archbishop of Glasgow, vacant by the translation of Archbishop James Beaton to St Andrews. In 1528 he was nominated Lord Chancellor, but he lost the office in 1543, and died in 1547.—E.]

¹ A copy of these Instructions may be seen in the Preface to Mr Sadler's Negotiations.

² [Henry Balnaves, of Halhill in Fife, was an eminent lawyer, who had raised himself solely by his own abilities, and had been employed by James V. in various important embassies, notwithstanding the opposition of the clergy on account of his well known "reforming" predilections. Balnaves was a native of Fife, and was educated at St Andrews and Cologne. James V. nominated him an Ordinary Lord of Session in 1538, and he is often mentioned in the subsequent Parliaments. When the Earl of Arran was elected to the Regency he was appointed Secretary of State by that Nobleman, but he was dismissed in 1543, at the instigation of John Hamilton, Abbot of Paisley, the Regent's illegitimate brother, and imprisoned in Blackness Castle, with the Earl of Rothes and Lord Gray till May 1544. He was connected with the conspiracy formed by Henry VIII. to murder Cardinal Beaton, and, though he was not one of the perpetrators of that atrocious crime, he entered the Castle of St Andrews with the insurgents, was sent by them into England, obtained considerable sums of money from the Court of Edward VI., and a pension to himself of L.125 from Lady-Day 1546. After the Castle of St Andrews was surrendered to the Regent in 1547, Balnaves was sent with the other conspirators to France, and was imprisoned at Rouen, where, according to Knox, many vain attempts were made to convert him from his heretical errors. In 1556 his forfeiture was rescinded, and in 1559 he took a leading part for the so called "Congregation" in what Lindsay of Pitscottie terms "the uproar about religion." He was secretly sent by the insurgents to Berwick in August that year, to procure the assistance of Sir Ralph Sadler, and obtained from him a promise of L.2000 sterling, which was to be shipped at Holy Island. They resolved to send him again to England for aid, but Randolph, Queen Elizabeth's resident in Scotland, objected to him, probably on account of his Calvinistic and republican principles. He was re-appointed a Judge of the Supreme Court in 1563, and he is supposed to have died about 1579, but it is certain that he retired from the Bench before the 20th of October 1575. Balnaves is erroneously stated in Dr Birkenhout's "Biographia Literaria, or Lives of English, Scottish, and Irish Authors," 4to. London, 1777, vol. i. p. 196, to have been a "Protestant Divine." He was, however, fond of polemical controversy, like many other laymen of his time, and wrote two treatises, one on *Justification*, and the other a *Confession of Faith*, full of the most extravagant and ridiculous tenets, though the latter is warmly applauded by John Knox in his "Historie of the Reformation." Balnaves left also a specimen of his poetical efforts in a short ballad entitled "Advice to a Headstrong Youth," which was published by Allan Ramsay in his "EVERGREEN."—E.]

marriage, the ambassadors had instructions not to consent to the Queen's removal out of Scotland into England, until she was of full age to complete the marriage; but that the King of England might have liberty to keep and entertain two gentlemen at his own expences, and as many ladies, with their servants, about the Queen during her under-age. *Item*, Not to consent to the surrender of any of the forts of the realm, for security of delivering the young Queen at her perfect age. Moreover, this Parliament appointed the Archbishop of Glasgow, the Bishops of Aberdeen, Moray, Orkney, Ross, and Brechin; the Abbots of Dunfermline and Coupar; the Earls of Angus, Huntly, Moray, Argyll, Bothwell, Marischal, Cassillis, and Glencairn; the Lords Erskine, Ruthven, Maxwell, Seton, and Methven; George Douglas; the Provost of Aberdeen; Sir William Hamilton; Sir James Lermouth; the Treasurer, the Secretary, the Clerk-Register, the Justice-Clerk, and the Queen's Advocate, to be the Governor's Council, six whereof to be still present at the least;¹ and appointed the Earl Marischal and the Earl of Montrose, the Lords Erskine, Ruthven, Livingstone, Lindsay, and Seton, and the Laird of Calder, keepers of the Queen's person at Linlithgow or Stirling, at the Queen Dowager's pleasure, with advice of the Governor and his Council; and the Queen not to be transported from one place to another without advice of the Queen Dowager, the Governor, and Lords of Council.² It is likewise specified in the Act that the said

¹ [The leading personages enumerated were Gavin Dunbar, Archbishop of Glasgow; William Stewart, Bishop of Aberdeen; Patrick Hepburn, Bishop of Moray; Robert Reid, Bishop of Orkney; Robert Cairncross, Bishop of Ross; John Hepburn, Bishop of Brechin; Archibald sixth Earl of Angus; George fourth Earl of Huntly; James Earl of Moray, illegitimate son of James IV.; Archibald fourth Earl of Argyll; Patrick third Earl of Bothwell, father of the notorious Earl; William fourth Earl Marischal; Gilbert third Earl of Cassillis; William fourth Earl of Glencairn; John fourth Lord Erskine, properly fifth Earl of Mar of the Family of Erskine; William second Lord Ruthven, ancestor of the Earls of Gowrie; Robert fourth Lord Maxwell, ancestor of the Earls of Nithsdale; George fourth Lord Seton, ancestor of the Earls of Winton; Henry first Lord Methven, who married the Dowager Queen Margaret, widow of James IV.; George Douglas, brother of the Earl of Angus; Thomas Menzies of Pitfoddels, Provost of Aberdeen; John Hamilton, Abbot of Paisley, Lord Treasurer; David Panter, Secretary of State; and James Foulis of Colinton, Clerk-Register. Most of the Nobility in this Council were pensioners of England.—E.]

² [Acta Parl. Scot. folio, vol. ii. p. 414, 415. The other keepers of the "Queen's grace," or "any two of them quarterly," were Alexander fifth

Lords shall be keepers of the Queen, or any two of them, quarterly; and that one Nobleman be added to these Lords, by the Lord Governor, at his pleasure. Afterwards, the forfeitures of the Earl of Angus and Sir George Douglas his brother were reversed; and then the Parliament was prorogued on the 17th of March,¹ after that the Lords of the Articles had been empowered to make laws for the general benefit of the kingdom, but with a restriction not to meddle with affairs of the Church, nor privileges of the same.

The day after, being Sunday, Sir Ralph Sadler, ambassador from King Henry, arrived at Edinburgh, with letters to the Earl of Arran, and a commission to act in concert with the Noblemen before mentioned, in the affair of the marriage of the young Queen, and to tender his advice, according as it should be required, to the Governor and Council. The Governor received this ambassador very kindly, and gave him assurance that the King his master had his heart above all other princes, and that he should have him at command in all things reasonable, *saving still his duty and allegiance to his Sovereign Lady and the realm*. This qualification of his service to the King of England, the Governor, like a man of honour, did ever afterwards reiterate, even when King Henry, in order to break his steadiness in that point, instructed his ambassador to make him smell the danger of a war on one hand, and on the other did allure him by the offer of his own daughter, the Lady Elizabeth, in marriage to his son, the Lord Hamilton; and at another time, by the offer of his assistance to make him King of all Scotland beyond the river Forth, in case the contrary party should seize the person of the young Queen. The ambassador began soon to perceive that it was in vain for him to expect any further success in his negociation here than simply a treaty of peace and marriage, without the surrender of the young Queen, the government, or forts of the realm; which, when the King of England was advertised of, he sent private instructions to his ambassador to labour

Lord Livingstone, John fifth Lord Lindsay of Byres, and Sir James Sandilands of Calder, father of the first Lord Torphichen.—E.]

¹ So it may be gathered from Mr Sadler's letters, but in the Registers there appears to be no Parliament-day after the 15th of March.—[The Parliament was prorogued on the 19th of March by order of the Regent Arran.—Acta Parl. Scot. folio, vol. ii. p. 425.—E.]

clandestinely with the Lords, his associates, to convey the young Queen into England. But though the Earl of Glencairn was ready enough to offer his service in that point, yet her Majesty was so well looked after, that that project was very quickly let fall; as was likewise another of conveying Cardinal Beaton into England, which last the Governor would by no means consent unto. This determinateness in the Nobility and gentry of our kingdom, made the King of England give up several things which he had laid down as a plan of the marriage betwixt his son and our Queen; so that he was at last content to nominate commissioners to meet with the commissioners from Scotland, in order to draw up two treaties of peace and marriage, according to the terms which the Parliament of Scotland could be brought to condescend unto. The commissioners on the part of England were Lord Audley, the Chancellor;¹ Duke of Norfolk, Treasurer;² the Bishops of Winchester and Westminster;³ the Lord St John, Chamberlain; and Sir John Gage, Comptroller of the King's household. Those on the part of Scotland were the Earl of Glencairn and Sir George Douglas, in conjunction with the other three ambassadors that were already in England. The treaties were agreed upon, and signed by the commissioners on both sides at Greenwich, the 1st day of July 1543;⁴ after which time, two months were allowed for ratification of the same by the King of England, and by the Governor of Scotland, by and with the approbation and authority of the Parliament of this kingdom.

In the treaty of peace, which was to continue during the joint lives of the two sovereigns, and one year after the demise of the first, though the King of England had laboured hard to have the ancient leagues betwixt France and Scotland annulled, and the two kingdoms in Britain to be *friends to friends*, and *enemies to enemies*, as the language at that time was; yet the article agreed upon concerning that affair contained no more, but that neither kingdom should

¹ [Sir Thomas Audley, Knight, created Lord Audley in 1538, ceased to be Lord Chancellor of England in 1538, and was succeeded in that high office by Bishop Goodrick of Ely. Beatson's "Political Index," vol. i. p. 322.—E.]

² [Thomas third Duke of Norfolk. See the note, p. 47.—E.]

³ [Stephen Gardiner, Bishop of Westminster, and Thomas Thirleby, first and only Bishop of Westminster, translated to Norwich.—E.]

⁴ See copies of these treaties in the second volume of "Epist. Reg. Scot."

give, or suffer to be given by their respective subjects, any manner of assistance to any foreign aggressor whatsoever, notwithstanding any leagues already contracted, or hereafter to be contracted or confirmed. And in the treaty of marriage, instead of the former high demands of King Henry, it is agreed that the Queen of Scots shall not be sent into England, until she be ten years of age complete, during which space she shall remain in the tuition of certain of her own natural Scottish subjects; but that in the meantime it shall be lawful for the King of England to send a gentleman with his lady, or two or more ladies and servants, to attend the young Queen, and oversee her education and diet, provided always that this attendance exceed not twenty persons.

Item, That within two months after the date of the treaty, two Earls and four Lords Barons of Scotland, or their apparent heirs, shall be given as hostages to the King of England, for the performance of the delivery of the Queen and her marriage; and that if any of the hostages chance to die, their room to be supplied within two months after the said event shall be notified; and that it shall be lawful for the Estates of Scotland to change the persons of the hostages once every six months, for other Noblemen of the same rank and condition. *Item*, That the kingdom of Scotland, even though the Queen have issue by the Prince of England, shall still retain its own proper name and title of Kingdom of Scotland, and shall enjoy its own laws, privileges, and liberties.

Though the King of England did by these treaties give up many of his high and proud demands, yet they were not at all agreeable to a great many of this kingdom. The Queen Dowager, a lady of great address, had laboured all she could to obtain the Cardinal's liberation from prison,¹ under a pretext of doing service to King Henry; and that artful Prelate, or wily carle, as the Earl of Angus' brother called him, had so far prevailed with the Governor, that by his own promises to accede to his interest, the practices and persuasions of the Earls of Argyll, Huntly, Bothwell, and Moray, and the arguments of the Abbot of Paisley, the Regent's natural brother, who ruled all at Court, and who, being all French in his heart, had entered into strait bonds of friendship with the Cardinal, the said Governor not only

¹ [The imprisonment of the Cardinal is detailed in the note, p. 67.—E.]

allowed of that Prelate's being transported to his own castle in St Andrews, but positively ordered it, the Cardinal himself at first declining, or seeming to decline, the proposition.¹

King Henry, finding by his ambassador that his demands in Scotland were highly opposed, not only by the Governor and the body of the Nobility, but even coldly entertained by his very pensioners, resolved to achieve by force what he could not obtain by promise and fair words.

¹ In the liberation of the Cardinal, the Governor might have had different views, as may be gathered from Mr Sadler's Letters, such as, 1. That the Cardinal, whose interest he knew to be very extensive in the country, might join the same to his ; or, 2. That he might the more easily decoy the Cardinal, and make himself master of the castle of St Andrews ; or, 3. Which touched him most, he thereby might prevent what was determined upon by oath and bond betwixt the Earls of Argyll, Huntly, Bothwell, and Moray, with divers Bishops, viz. the Cardinal's liberation, or the Governor's destruction ; by being before-hand with them, and making that Prelate owe his liberty, though under cover, to himself. For nothing is more plain than that even then the Governor, if ever he was in earnest, began to repent him of his English bargain, seeing himself so like to be bubbled of King Henry's promises of his daughter in marriage to his son, or all be-north Forth for a kingdom, by that King so warmly insisting to have the young Queen and the Cardinal delivered into his hands, which he knew would render him but a tool in Scotland ever after, if at all continued in any trust ; since even then that King denied him the title of Governor in the letters which he addressed to him, calling him simply Earl of Arran *occupying the place of Governor*, and left him no expectation that his Majesty would confer such honours upon his Family when he once had the Queen of Scotland in his custody, the head of the clergy in bonds, and the reins of the Government in his own hands. This, which was not untold him by Huntly, his own brother, and many of the Nobility, soon made him cast about for the Cardinal's friendship, yet so as he might seem to act in sincerity with England. He, therefore, in opposition to all Sadler's remonstrances, sends the Cardinal to St Andrews in charge of the Lord Seton, with a guard of about twelve or sixteen men, though he knew the Cardinal had not only above 300 of his own, but all that town and indeed most of that country at his devotion. Nay further, the Lord Seton had the Governor's orders to give the Cardinal his full liberty about his own house ; yet in his communing with Sadler, he would fain have thrown the whole blame of the Cardinal's liberty upon the Lord Seton, as if he had been bribed by the Cardinal's money ; but a short time took off the mask, and how soon he saw the Cardinal and his friends in any condition to second him, he plainly and openly refused all King Henry's conditions, but sent for the Cardinal and his adherents to come and join him, though without their forces, to Edinburgh ; whither they all came except Huntly and the Cardinal, who being now at liberty, and all his offers to Sadler of favouring King Henry's interest, and a desired communing refused him, sets himself vigorously a-work to oppose all King Henry's measures.

These measures of King Henry were before looked for both by the Queen Mother and the Cardinal; and having little confidence in the Governor, they had timeously provided to get Matthew Earl of Lennox¹ sent home from France, as being a person very fit for their purposes, by reason of a grudge subsisting betwixt his family and the Governor's. This young Nobleman was not only put in hopes of having the Queen Dowager to wife, but was likewise made believe that he might have a fair title to the succession of the crown, and even to the paternal estate and present office of the Governor.²

He arrived in Scotland in the month of April, and brought along with him many fair promises of aid and assistance from the French King, which he offered to the Council, having come with the rest of the Lords, upon the Governor's summons to Edinburgh. But the Governor, being driven by King Henry's pensioners to sign the treaty of marriage upon the shifting terms he had himself insisted upon before, the Earl of Lennox withdrew, and appeared in arms against the Governor about the middle of May; yet he was able to act nothing to the purpose; and the Cardinal, finding that either he did not answer his expectation, or that he could do his business well enough, or better without him, began much to neglect the Earl, so that he was forced to take quite contrary measures to those for which he first came home, as afterwards will appear.

One of the first things the Cardinal did after his liberation, was to hold, by consent of the Governor, a convocation of

¹ [Matthew Stewart, fourth Earl of Lennox, afterwards Regent, and father of Lord Darnley, by Lady Margaret Douglas, daughter of the Earl of Angus, and Margaret Queen Dowager of James IV. and sister of Henry VIII.—E.]

² Matthew Earl of Lennox had to wife a daughter of the Lord Hamilton by Mary, daughter to King James II. By her he had his son and heir John, who was appointed a Lord of the Regency in the minority of King James V., and was slain at the Bridge of Linlithgow by a party headed by the Lord Hamilton, then become Earl of Arran. John was father to Matthew the present Earl of Lennox, whose pretensions to the crown, &c. stood thus:—James Earl of Arran, son to his father by Princess Mary Stuart, daughter of James II., by virtue of whom the Family of Hamilton have a claim to the regal succession, after he had been divorced from Lady Elizabeth Home, had, by his subsequent wife, James the present Earl of Arran. Therefore the Earl of Lennox alleged he was but a bastard, and that himself inherited the rights of the Family of Hamilton, as being descended from a daughter of Princess Mary.

the clergy at St Andrews in the beginning of May, in order to determine upon a certain sum of money to be given by them in the event of a war; but because some Bishops were absent, the assembly was prorogate till the beginning of June. However, it was resolved by those that were then present to give all their own money, their silver plate, and the plate belonging to their churches, for the maintenance of a war; and that they themselves also would fight, if need should so require. By means of this money bestowed by the clergy, and with his natural cunning, the Cardinal, besides his interest with the vulgar, who, by the clamours of the clergy, and the inbred animosity betwixt the two nations, then hated the very name of English alliance, perceived his party to increase apace among the Nobility and gentry. The Earls of Huntly, Argyll, Bothwell, and Moray, had been still noted as averse to the match with England.

These Noblemen, the Cardinal, and some others, gathered forces together at Stirling, after they had heard of the conclusion of the treaties; and in the beginning of August they came to Linlithgow, and carried off the two Queens to the castle of Stirling, being invited thereto by the Queen Mother. They laboured likewise to disappoint the meeting of the Parliament, which was summoned by the Governor for the ratification of the treaties; but not being able to effectuate that, the Governor did, on the 25th day of the same month of August, ratify, sign, and solemnly swear to, the two treaties of peace and marriage with England, at high mass in the abbey church of Holyroodhouse, and the Great Seal of the kingdom was appended thereunto.¹ The Cardinal and his party did not come to the Parliament, and it is not improbable but they were the more indifferent how things went at that time, because they were assured the Governor should never be able to lay in the hostages which are mentioned in the treaty of marriage, not one of the Nobility showing any willingness to go into England in that quality. The same day that the Governor signed the treaties, he went northwards to St Andrews, in order, as he pretended, to

¹ See the confirmation of these treaties by the Governor in the second volume, *Epist. Reg. Scot.*—[See *Acta Parl. Scot.* folio, vol. ii. p. 425, 426. The Regent concluded a treaty on the 1st of July 1543 with Henry VIII., by which Queen Mary was to be sent to England when ten years of age, to be married to his son, afterwards Edward VI.—E.]

have received the Cardinal's submission ; but whatever the matter or the management was, that Prelate did not so much as stir out of his castle to wait on the Governor, who thereupon caused him be denounced rebel in the town of St Andrews, and then returned to Edinburgh, with an intention, as he said, to levy forces, and compel the Cardinal into a submission. All this the English ambassador seems firmly to have believed as genuine truth. But the *wonderful change*, as that gentleman words it, which soon after followed, would even seem to render suspected that journey of the Governor ; and that the hand of the wily Cardinal had been deeply engaged in the whole affair. Whether, therefore, some open threatenings to depose the Governor from his office, or a secret suggestion, that by adhering to England he might endanger his title not only to the regal succession, but to his own paternal estate, both which were supported only by the Pope's authority ; or whether it was some other separate views or influence made use of by the Cardinal that weighed most with the Governor, is not necessary here to be determined ; but one thing is certain, that within eight days after he had confirmed the treaties with England, having received a message from the Cardinal by the hands of Sir John Campbell of Lundy and the Abbot of Pittenweem, he left Edinburgh that same day in the evening, being Monday the 3d of September, under a pretext of visiting his lady in the castle of Blackness, who, as he said, laboured of child ; and next day he went to Calendar,¹ where the Cardinal and Earl of Moray met him, and after some secret communication together they all three rode forward to Stirling. And ever after the Governor remained addicted to the Cardinal, albeit sometimes he wavered, at least to outward appearance, because, as he said—"Though he would do as much as in him was to observe the treaties, yet more than he might he could not do."

The English ambassador, after this revolt, as he calls it, of the Governor from his master's service, seems to have given over all hopes of succeeding in his negociation here ; as indeed he might well have done, considering the general

¹ The seat of the Lord Livingston, near to the town of Falkirk.—[Afterwards the seat of his descendants, the Earls of Linlithgow and Callendar.—E.]

disgust our nation had conceived against that of England, insomuch that even he, the ambassador, was not free from being insulted in the city of Edinburgh, and was in no small danger of his life from the rabble. But the thing that gave the Cardinal and his accomplices the fairest handle to act in opposition to King Henry, was an action of that prince, if not altogether unjust in itself, yet apparently most impolitic at this juncture of time. Indeed I am most sensible, that for a private man to censure the actions of so great a King may be looked upon as a piece of no small imprudence and impertinence; and I am likewise aware that the King of England, perceiving himself to be much superior in force to the power of Scotland, especially as it was then stated, and perceiving, in like manner, that his affairs in our kingdom were not likely to succeed according to his mind, might readily enough think, that the best way to bring them to a good issue was to frighten and terrify us into a compliance, by touching us in the sensible part of worldly interest and advantage. But seeing kings may err as well as other men, I am willing to suspend any harsh judgment of mine upon this head, and to lay the bad success of this project of the King of England upon the uncertain event of all human counsels and devices whatsoever. The matter, in short, was this: The merchants of Scotland, having had their trade a long time interrupted by the wars, when they knew that the treaties with England were signed by the commissioners of both kingdoms, and that the peace was proclaimed in England as well as in Scotland, were at a great expence to furnish and set forth a good number of ships to several ports, and among others to the ports of France. These ships, trusting to the treaties already agreed upon, though not ratified, went securely, but too rashly, into the harbours of England to refresh themselves after a storm. But they were soon made sensible of their error; for though at first they were courteously entertained, yet in a short time they were, by orders from Court, all stopt, and had their goods confiscated, notwithstanding they pleaded the faith of the treaties lately agreed to, and the proclamation of the peace following thereupon. This was in the month of August, and consequently before the expiration of the two months stipulated for the mutual exchange of the treaties ratified by the respective

kingdoms. When complaint of this bad treatment was made, the English ambassador, who appears in his own mind to disapprove of it, and did write to his Court, advising the release of the ships, made answer in his master's name—That it was contrary to the treaty of peace to assist France with victuals ; and next, that such as were within the Scottish ships had spoken very slanderously of the Governor and other Noblemen of this realm. The Cardinal now sitting in Council, together with the Governor, at Edinburgh, the 23d day of September, made answer—That as to the loading with victual, he understood that the ships had no such loading, except it was fish ; and that he could not perceive by the treaties but that the merchants, subjects of both realms, might use their accustomed traffic, with such merchandize as they have been in use to transport to other countries ; and as to the unseemly words spoken of the Governor, the cognizance and punishment thereof appertained to him, and not to the King of England. After which the Cardinal having demanded—Whether the King his master would yet ratify the treaties, provided hostages should be delivered according to the tenor thereof, and whether he would restore the ships, and cause redress to be made for some inroads on the Borders? —the English ambassador not taking upon him to give any assurance of this in his Majesty's name, and having desired the Council here to declare their resolution to perform literally the treaties, before he should write to his master to know his pleasure herein, as the Cardinal had requested him to do ; and the Council having made answer—That the matters were weighty, and they must have time to advise upon the same, and would declare their resolution upon knowledge of his master's intention ; it doth not appear that there was afterwards any further communing upon the head, but that both parties looked upon the treaties as good as at an end ; and indeed it is probable enough that the Cardinal, who then acted as Prime Minister, and who by the superiority of his genius did much outshine the Governor, had no mind to adhere to the treaties, even though satisfaction should be made by King Henry for any infraction of them, and though he should agree to ratify them in the terms proposed.

It is now fit to take a view of what other matters passed about this time. The first step of moment that was done,

after the union betwixt the Governor and the Cardinal, was the crowning of the young Queen at Stirling on Sunday, the 9th of September,¹ at which solemnity it is said the Governor carried the royal crown, and the Earl of Lennox the sceptre. Next they proceeded to make choice of a Council, by whom the Governor shall be directed in all the great affairs of the realm. Of this Council the Queen Dowager was the principal person. The rest were the Cardinal, the Archbishop of Glasgow, the Bishops of Moray, Orkney, Galloway, and Dunblane; the Abbots of Paisley and Coupar; the Earls of Angus, Huntly, Argyll, Moray, Glencairn, Lennox, Bothwell, and Marischal, whose counsel the Governor was sworn to use, and to be directed by them; but I do not find that the Earls of Angus, Cassillis, and Glencairn, did meet with them at Edinburgh the 18th and subsequent days of September, as they were advertised to do, by a message sent them by the Lord Fleming and the Abbot of Paisley. The Earls of Angus, Glencairn, and other Lords of that side, had likewise had letters written to them by the Cardinal, the Chancellor, Bishop of Moray, Earls of Huntly and Argyll, inviting them to witness the coronation of the young Queen, which they also refused to comply with. On the contrary, these *English* Lords,² except the Lord Fleming, who had separated himself from them some time before the ratification of the treaties, when they found how things went, and that the Governor had abandoned them, convened at Douglas Castle upon the 25th of October, where they drew up and signed a writing to the King of England, to be carried to him by the Lord Somerville,³ importing, as may be gathered

¹ [The 16th of September old style, or the 26th of that month new style, is the date assigned for the coronation of Queen Mary at Stirling, yet historians generally fix it on the 9th. It is stated—"By a singular coincidence the fathers of Darnley and Bothwell, who were both present, had each aspired to the possession of the Queen Mother's hand, and each indulged those ambitious hopes which their sons were destined to realize. The aspect of these intriguing rivals was inauspicious to the infant sovereign, and the pageant of her coronation might be regarded '*as the first scene of the tragedy of Mary Stuart.*'"—Memoirs of the Life of Mary Queen of Scots, by Miss Benger, 2 vols. 8vo. London, 1823, vol. i. p. 38, 39. This, however, is partly incorrect. Sir James Balfour expressly states—"But the Earl of Lennox departed the town, and would not be present, neither yet any that had breathed the French air." Annals, vol. i. p. 279.—E.]

² [Scottish Peers in the pay of Henry VIII.—E.]

³ [Hugh fifth Lord Somerville supported the match between Queen

by a message of theirs to the English ambassador—That they had entered into a bond to abide firmly together, in order to serve his Majesty, and praying his Majesty to send them assistance, especially of money, without which they should not be able to bear the malice of their enemies. But the Lord Somerville was apprehended in or about Edinburgh with his letters, as was the Lord Maxwell, and both shut up in the Castle of that city; only the former was soon after removed to that of Blackness; and great endeavour was used by the Governor and Cardinal to get the rest of them into their hands. But the Lord Maxwell, having made a shift to escape, he, together with the Earls of Angus, Cassillis, and Glencairn, Sir Hugh Campbell of Loudon,¹ Sheriff of Ayr, and James Douglas of Drumlanrig,² which two gentlemen had joined the English Lords sometime before, did again assemble at Douglas about the 10th of December, where they concerted measures how to proceed against their enemies, and to do them all the mischief they could devise. By this time the Earl of Lennox was much weaned from the French Interest, and had for some time past made suit to the Earl of Angus for the marriage of his daughter, the Lady Margaret Douglas, niece by the mother to King Henry. Nor had his proposal been utterly rejected; only it seems that King and the Earl of Angus had found Lennox a little unstable, and not hearty enough to join their interest. And the truth is, he liked not to break from France altogether, so long as he had any expectation from thence; and also, except he had a certainty of being kindly received by England. But now a fair occasion offered to do him great service that

Mary and Prince Edward, and was zealous for the interest of Henry VIII. from whom he had a pension of 200 merks. He died in 1549.—E.]

¹ [Sir Hugh Campbell of Loudon, father of Sir Matthew Campbell by his first wife, Lady Elizabeth Stewart, second daughter of Matthew second Earl of Lennox. This Sir Matthew was the father of Sir Hugh Campbell, created Lord Campbell of Loudon in 1601. Lord Campbell's only son by his first wife Margaret, daughter of Sir John Gordon of Lochinvar, was the father of Margaret, Baroness Loudon in her own right, who in 1620 married Sir John Campbell of Lawers. He was created Earl of Loudon in 1633, and figures in the eventful history of his time as the notorious Covenanting Earl.—E.]

² [James Douglas of Drumlanrig, a powerful Border Baron, was eldest son of Sir William Douglas of Drumlanrig, and was engaged with Sir Walter Scott of Braxholm in the attempt to rescue James V. from the thralldom of the Earl of Angus in 1526. He was knighted by the Regent Arran, and was ancestor of the Earls and Dukes of Queensberry.—E.]

way, after he had perceived himself to be neglected by the Queen Dowager and Cardinal, and that very sinister representations had by them been made of him to the Court of France; for in the beginning of October, six or seven good ships arrived from that kingdom in the Frith of Clyde, which had on board a Legate from Rome, and two ambassadors, with arms, ammunition, and 30,000 crowns¹ in silver from France, to be distributed to proper persons in Scotland, by the advice of the Queen Dowager and Cardinal. The Earl got the captains of the French ships persuaded to land the money, and some of the arms and ammunition, in his castle of Dunbarton; whereupon the Queen Dowager and Cardinal begin again ardently to cajole the Earl, and to endeavour a reconciliation betwixt him and the Governor. But notwithstanding all the Cardinal's address, the Earl would by no means part with the money, but took that opportunity to ingratiate himself with the English Lords, and it is not improbable but the former neglect that Prelate had used towards the Earl, after he had gained the Governor, made his Lordship the less obsequious now to his Eminence's directions.

As John Hamilton, Abbot of Paisley, had a great ascendant over the mind of his brother the Governor, and had been very serviceable to the Cardinal in the first bringing over the Governor, and still retaining him fixed to the Cardinal's measures, the Cardinal did first resign to him the office of Privy Seal; and shortly after, that the rising fortune of the Abbot might be more noticeable in the Parliament which was to sit down in the beginning of the month of December, he was advanced to be Treasurer of the kingdom, in the room of Sir William Kirkaldy² of Grange in Fife, who was known

¹ [Sir James Balfour states the sum at 60,000 crowns "sent this year," he says, "by the French King to the Regent, with a ship laden with all sorts of ammunition, to aid him against England." This sum, Sir James narrates, was "intercepted by the Earl of Lennox, who does his best to displant the Governor; but at Edinburgh, by the mediation of Cardinal Beaton and the Earl of Huntly, they are reconciled. But Lennox, being of a very facile nature, does anew violate his faith given, and from Edinburgh by night covertly retires himself to Glasgow, and fortifies the place, against whom the Regent, with his army, takes the field, and utterly defeats Lennox, and has Glasgow Castle rendered to him." *Annals*, vol. i. p. 280. The Castle of Glasgow was the residence of the Archbishops of that See.—E.]

² [According to Beatson's "Political Index," vol. iii. p. 84, Sir William

to be a great favourer of the new Doctrines, and an avowed enemy to the Cardinal and the other established clergy. On the 8th of December, being the fourth day of the Parliament,¹ direction was given to Mr Henry Lauder, the Queen's Advocate, to raise a summons of treason against those that signed the writing at Douglas Castle to be sent by the Lord Somerville to the King of England; and next day there was an indemnity made out to the Lords and gentlemen that had convened at Stirling for carrying the young Queen thither. On the 11th of December² the Parliament declared the Treaties of Peace and Marriage with England to be expired,³ and not to be kept on the part of Scotland; and

Kirkaldy of Grange was never Lord Treasurer of Scotland. Bishop Keith has mistaken him for his father, Sir James Kirkaldy, who is the person mentioned in the text as Lord Treasurer.—E.]

¹ [This Parliament met at Edinburgh on the 3d of December 1543. Cardinal Beaton was present, as were also Archbishop Dunbar of Glasgow, the Bishops of Moray, Galloway, and Orkney, and the Abbots of Paisley, Cambuskenneth, Dunfermline, Newbattle, Lindores, Glenluce, Kilwinning, Dryburgh, Coupar-Angus, and Pluscardine. Cardinal Beaton is entered on the roll as *Cardinalis Sanctandrois*. He had previously induced his cousin the Regent to abjure the "reformed" doctrines or tenets in the church of the Black Friars at Stirling, and to withdraw from the matrimonial alliance with England in the persons of Queen Mary and Prince Edward. The act in reference to Lord Somerville is short:—"Quarta dies Parliamentarii, viz. octavo Decembris; sederunt Domini Electi ad Articulos [of whom the Cardinal was one], Domino Gubernatore presente—The quhilk day it is thought by my Lord Governor and Lords of Articles that ane summons of treason may be raised upon the Lords, and other persons that subscribed the writing furth of Douglas with the Lord Sommerville to the King of England, for causes contained in the same; and for such like causes as shall be given in information to the [Queen's] Advocate: Therefore ordains him [the Advocate] to libel summons of treason thereupon in form as effeirs." Acta Parl. Scot. folio, vol. ii. p. 427, 428, 429.—E.]

² [Acta Parl. Scot. folio, vol. ii. p. 431.—E.]

³ The author of the "Brief Account," &c. printed at the end of Sir Ralph Sadler's Letters, tells the world "that the clergy were very frequent in this Parliament;" whereas, upon perusal of the Parliament Rolls, I find there only fifteen clergymen present at this time, and eighteen in the last Parliament, March 1542-3. He likewise says—"That whoever is pleased to examine the Rolls of Parliament, will find there was a far more numerous and powerful party of the Nobility in the Parliament wherein the Treaty (viz. of marriage and commerce with England) was made, than in that wherein it was broken." I own, indeed, that in the Parliament, March 1542-3, which gave orders and instructions to our ambassadors to repair into England, there were present at the first meeting sixty-eight members, viz.—eight Bishops, ten Abbots, eleven Earls, nineteen Lords, four Masters, ten Burghers, six Officers of State; and only forty-nine

that the reader may see upon what grounds these Treaties were annulled, I have inserted in the Appendix the Act itself, as it stands in the Public Records.¹ The same day were introduced into the Parliament Jaques de la Brosse and James Mesnage, ambassadors of the King of France, who opened the reasons of their embassy for renewing the old leagues betwixt the two kingdoms, and offering their master's assistance for defence of the young Queen, and the liberty of the realm, against the King of England's invading it; which proposal was accepted by the Governor and the Estates, who appointed the Cardinal, the Earls of Argyll and Moray, the Lord St John,² and Sir Adam Otterburn,

members, viz.—five Bishops, ten Abbots, nine Earls, nine Lords, one Master, ten Burghers, five Officers of State, in the Parliament, December 1543, in which the treaties were annulled. But as the treaties with England could not be ratified by Parliament until the month of August 1543, at which time the Governor called a Parliament to sit for that effect only, the treaties themselves not having been concluded by their respective commissioners until the 1st day of July; and since there are no Rolls, nor any records extant, concerning that short Parliament in August; and seeing we are certain, by Mr Sadler's Letters, that not only many of the Nobility were not present at that meeting, but did remain with the Queen Dowager and the Cardinal, in plain opposition to it: for these reasons, this author seems not to have foundation enough for undeceiving the world of what he says the Cardinal would have made it believe, viz.—“That the Parliament who entered into the treaties with England were only a small party and faction.” It is well enough known that anciently in Scotland the Parliament, after some few days sitting, was commonly dissolved, or only sometimes adjourned; and that the first day of the Parliament the Lords of the Articles, i. e. a certain number out of each State, were elected, which Lords of the Articles were deemed a sufficient authority to enact any law. But if an unforeseen emergent did at any time intervene, our Kings could, by their sovereignty, call together any small number of the States upon even a short warning, and propose to them the enacting of this or the other expedient into a law. I say not that the Parliament in August 1543 was of this sort in the last degree, but it is much to be suspected that there were but few members present; perhaps no more than those whom we find marked as witnesses to the said treaties, in all ten. Nobody can imagine that the Parliament holden by the Governor in the convent near Haddington, anno 1548, had a formal summons to convene, since it was not possible to divine the time and place of its sitting; and the same is to be said of the Parliament at Monktonhall, immediately before the battle of Pinkie.

¹ Appendix, Number VI.

² [Sir James Sandilands, a very eminent though a very questionable personage. He was recommended by Sir Walter Lindsay to the Grand Master of the Knights of St John at Malta, where he resided some years, and was appointed Preceptor of that Order in Scotland at the death of the

or any four, three, or two of them, to meet and conclude with these ambassadors of France, for ratifying the former alliances, and entering into new ones.¹ Next day the Lords Fleming, Ruthven, St John, and Sir John Campbell of Calder,² were chosen counsellors to the Governor, in the place of the Earls of Angus, Lennox, Glencairn, and Marischal, who are said not to have come or not to be willing to accept. And the day after, viz. the 13th of December, the Cardinal accepts of the office of Lord High Chancellor³ at the desire of the Governor and the Estates. This was all the State business that passed in the Parliament at this time.

About Christmas, the Earl of Lennox, and the Lords and gentlemen that favoured King Henry, assembled in the town of Ayr, in order to consult what was proper to be done, since they heard that the Governor, by the advice of the Cardinal, had formed a design to levy an army, and with it to march westward and surprize the Earl of Lennox, and by that means oblige him to surrender the French money. There it was resolved to gather together what force they were able, and with it to oppose the Governor's designs; and their levies of men succeeded so well, partly by the displeasure

said Sir Walter, in 1538. He conformed to the Reformation, and was treated with contempt and scorn in France in 1560, when he went as the accredited agent of the so called *Congregation Parliament* to lay their proceedings before Francis and Mary. He resigned the Scottish property of the Knights of St John into the hands of Queen Mary, who in 1564 created him Lord Torphichen, bestowing the property of the order upon himself. At the period mentioned by Bishop Keith he was called *Lord St John*, as Preceptor of the Knights of St John, and as such he sat in Parliament among the higher Barons, Abbots, and Priors. "Inquiry into the Law and Practice in Scottish Peerages," by John Riddell, Esq. Advocate, vol. i. p. 83, 261.—E.]

¹ See Appendix, Number VII.

² [Sir John Campbell, of Calder or Cawdor Castle, in the county of Nairn, was the third son of Archibald second Earl of Argyll. He married Morella, daughter and heiress of Sir John Cawdor of Cawdor, and was ancestor of the Barons and Earls of Cawdor in the Peerage of Great Britain, so created in 1796 and 1827, and other branches of the Family of Argyll.—E.]

³ [Sir James Balfour, under date 1542, states—"This year Cardinal Beaton, Keeper of the Privy Seal, is made Lord Chancellor, and the Great Seal is delivered to him; and John [Hamilton] Abbot of Paisley, made Keeper of the Privy Seal." *Annals*, vol. i. p. 276. This was confirmed by Parliament on the 13th of December, as stated by Bishop Keith. *Acta Parl. Scot.* vol. ii. p. 442.—E.]

which several persons in those western counties, where the estates of the most part of these Noblemen lay, had conceived against the Governor for his late shifting of sides, but mostly by the power of the money which they had in their custody, that finding their army in a condition to act offensively against their enemies, they advanced to the town of Leith, in order to be beforehand with the Governor, and offer him battle in the fields between that town and Edinburgh. But the crafty Cardinal, who well perceived that the Governor was in no condition to hazard a battle, together with the Earl of Huntly did so manage affairs, that a capitulation was agreed upon ; and Lennox came in to Edinburgh to the Governor, where matters were transacted by these two Lords for some days together, as if they had quite forgot their old grudges and animosities; and Sir George Douglas and the Lord Kilmaurs, son to the Earl of Glencairn, were delivered up as hostages¹ for conservation of the late agreement on the part of the Earls of Angus and Glencairn. Nevertheless this settlement was of no long continuance, for within a week, the Governor being at Linlithgow, the Earl of Lennox, upon information, as is reported, that some sudden mischief was preparing against him, slipt privately away from thence to Glasgow. But as to the subsequent scuffles betwixt the Governor and Lennox, which fell out all to the disadvantage of this Nobleman and the English Lords, because I have no sure records whereby to unravel the perplexed accounts that are given of them by our historians in the true order of time, I choose rather to leave them untouched, and only assure the readers of our Scottish affairs that, in great probability at least, all this bustle, from the first to the last, was transacted pretty early in the spring of the year 1543-4, as may appear from the dates of the following public² transactions relating to the Earl of Lennox,

¹ Lesley says these hostages were delivered at this time ; but Buchanan says that they were delivered upon a secret agreement made betwixt the Hamiltons and Douglasses, unknown to Lennox, and seems to insinuate that it was upon private information thereof, that that Earl made his elopement from Linlithgow.

² Lesley, who, in my opinion, gives the most distinct account of these matters, tells us expressly that the sending of Mr Bishop into England was posterior to the last conflict betwixt the Lord Governor and Lennox.

and which I shall here insert, that I may not be obliged to resume the consideration of this Nobleman's affairs, when things of weightier moment require not to be interrupted.

On the 8th day of April, the Earls of Lennox and Glencairn dispatched Hugh Cunningham and Thomas Bishop from Dunbarton, with ample commission in their names to meet and treat with the Lord Wharton and Sir Robert Bowes, commissioners of the King of England, at Carlisle, or elsewhere the said royal commissioners shall happen to be. On the 17th of May, the Earl of Glencairn is at Carlisle, and there, together with Robert Stewart, brother to the Earl of Lennox, and Bishop-elect of Caithness, Hugh Cunningham, and Thomas Bishop, he signs a contract betwixt King Henry, the Earl of Lennox, and himself, in which the two Earls promise all manner of assistance to King Henry against their native country ; and King Henry, on his part, promises to give in marriage to the Earl of Lennox the Lady Margaret Douglas his niece, and that the said Earl shall be Governor of the kingdom of Scotland under King Henry, in the event of his being successful. The Bishop-elect of Caithness is to remain a hostage in England for his brother's performance of his part of this treaty ; and King Henry gives in gratuity to the Earl of Glencairn 1000 crowns, and promises to continue in pension the Earl of Lennox. On the 26th of June the Earl of Lennox is personally present at a treaty in England, whither he had sailed in the ships of that nation, when they returned home from the descent upon Scotland, which will come shortly to be mentioned ; in which treaty that Lord obliges himself to deliver up to the King of England the castle and territory of Dunbarton, together with the Isle of Bute, and other lands of his Lordship lying within the kingdom of Scotland ; and King Henry gives for wife to the said Earl the Lady Margaret Douglas, with lands in England amounting to the value of 6800 merks Scots money, equal to 1700 merks English.¹ *Item*, the

¹ This authentic document serves notably well to ascertain the proportion betwixt the Scottish and English computation of money at that time, viz. that the English merk contained but four of the Scottish. I had formerly perceived by reading, that there was not in elder times such a great disproportion betwixt the denominations of money of the two nations as at present, but I do not remember of so clear an instance as this before us. Query, Whether the English computation has risen, or the

King of England gives in pension 100 merks sterling to George Stirling, deputy-governor of the castle of Dunbarton under the Earl of Lennox. On the 6th of July the Earl of Lennox is naturalized a subject of England. This, it is probable, has been done upon the consummation of his marriage. On the 13th of July King Henry gives a pension during life, and payable at two terms in the year; to the Earl of Glencairn, L.250 sterling, and to his son, Alexander Lord Kilmaurs,¹ L.125 sterling, also during life, and payable twice a-year.

Scottish fallen, in later times? Or if either of the two have stood fixed?— [Bishop Keith's query is now of little importance as it respects the comparative value of English and Scottish money. It is generally understood that in the sixteenth century twenty shillings Scots was, considering the circumstances, habits, and condition of the people of Scotland, about equivalent to the same sum sterling at the present day.—E.]

¹ [This pensioned minion of Henry VIII. succeeded his father in 1547 as fifth Earl of Glencairn. He was known by the soubriquet of the *Good Earl*, which he probably acquired from the followers of his friend John Knox for dilapidating the abbey church of Holyrood at Edinburgh in 1567, demolishing the altar, tearing down the pictorial representations, and defacing the ornaments. A specimen of his literary powers is preserved in a satirical effusion, entitled the *Hermit of Allareit*, indicating Loretto near Musselburgh, the practices of the said "Hermit," a worthy named Doughtie, having very properly excited the indignation of his "pious" Lordship. He died in 1574.—E.]

CHAPTER IV.

CONTAINING AN ACCOUNT OF CHURCH AFFAIRS FROM THE DEATH OF KING JAMES V. ANNO 1542, TILL THE MURDER OF CARDINAL BEATON ANNO 1546.

THE new doctrines concerning religion had so far prevailed in Scotland, notwithstanding the severities used against the professors thereof in the late King's reign by the influence of the settled clergy, that in the very first Parliament holden after his death by James Earl of Arran, tutor of the Queen, and Governor of her kingdom, there was a proposal offered by the Lord Maxwell, on the 15th day of March 1542-3, being the fourth of the Parliament, for a liberty of reading the Bible in the vulgar tongue, which proposal was received and approved by the Governor and the Lords of the Articles; and because this was the first public step towards a reformation of religion, perhaps the reader will not be displeased to see the Act inserted in this History, which is as followeth:—

“ Anent the writing given in by Robert Lord Maxwell, in presence of my Lord Governor and Lords of Articles, to be advised by them, if the same be reasonable or not, of the which the tenor follows:—It is statute and ordained, that it shall be lawful to all our Sovereign Lady's lieges to have the Holy Writ, to wit, the New Testament and Old, in the vulgar tongue, in English or Scotch, of a good and true translation: and that they shall incur no crimes for the having and reading of the same, providing always that no man dispute or hold opinions, under the pains contained in the Acts of Parliament. The Lords of Articles, being advised with the said writing, find the same reasonable, and therefore think that the same may be used amongst all the lieges of this realm, in our vulgar tongue, of a good, true, and just translation, because there was no law shewn nor produced in the contrary; and that none of our Sovereign Lady's lieges incur any crimes for having or reading of the same in form

as said is, nor shall be accused therefor in time coming ; and that no persons dispute, argue, or hold opinions of the same, under the said pains contained in the foresaid Acts of Parliament.¹

It seems this draught of an Act, for having and reading the Holy Scriptures in the vulgar language, had not been so privately concerted but that the clergy had got notice of the design ; and, therefore, immediately after reading of it, the Archbishop of Glasgow, then Chancellor of the kingdom, offered to the Parliament these following reasons why the Act should not be passed into a law at that time, viz.—

“ The which day, a most reverend Father in God, Gavin Archbishop of Glasgow, Chancellor, for himself, and in name and behalf of all the Prelates of this realm, being present in Parliament, shows that there was an Act instantly read in face of Parliament, that the Holy Writ may be used in our vulgar tongue, and that no crime should follow thereupon through the using thereof ; and alleged in the said Act that the three Estates concluded the same ; which he, for himself, and the remanent of the Prelates, being present, as one of the three Estates of the said Parliament, dissented thereto *simpliciter*, but opposed themselves thereto, unto the time that a Provincial Council might be had of all the clergy of this realm, to advise and conclude thereupon, if the same be necessary to be had in vulgar tongue, to be used among the Queen’s lieges, or not ; and thereafter to show the utter determination that shall be done in that behalf ; and thereupon asked instruments.”²

But notwithstanding this protestation, the Lord Maxwell’s bill was certainly enacted, seeing that, within two days after the Parliament had risen, the Governor, who found himself best supported by the adversaries of the established religion, thought fit to cause issue out a proclamation for notification to all the lieges of the Act concerning the Holy Scriptures. Here follows the order for the proclamation :—

¹ [Acta Parl. Scot. folio, vol. ii. p. 415.—E.]

² [*Ibid.*—E.]

“GUBERNATOR.—Clerk of Register, It is our will, and we charge you, that you gar proclaim this day, at the Market Cross of Edinburgh, the Acts made in our Sovereign Lady's Parliament, that should be proclaimed and given furth to her lieges; and, in special, the Act made for having the New Testament in vulgar tongue, with certain additions, and thereafter give furth the copies thereof authentic, as effeirs, to all them that will desire the same; and insert this our command and charge in the Books of Parliament for your warrant. Subscribed with our hand at Edinburgh, the 19th day of March, the year of God 1542.—JAMES G.”¹

The clergy had already been highly offended with the Governor, and had taken particular exception at his entertaining in his own family two preachers of the Dominican Order, viz. Thomas Williams² and John Rough,³ who both proceeded to censure the Pope's authority, the adoration of images, &c. in their sermons. Nor is it to be supposed that the discontents and clamours of the clergy were any whit allayed, but rather, on the contrary, much heightened by the

¹ [Acta Parl. Scot. folio, vol. ii. p. 425.—E.]

² He was born at Athelston-Ford in East Lothian, and was Provincial of the Black-Friars in Scotland. Sir James Balfour says he translated the New Testament into the vulgar tongue, and publicly preached against the Pope's authority, and that he was winked at by the Regent, and supported by the Noblemen that had returned lately from England.—[Annals, vol. i. p. 277.—E.]

³ He entered among the Black-Friars in the town of Stirling at the age of seventeen years, where he remained the space of sixteen years, at which time the Lord Governor, having a favour for him, asked of the Cardinal to grant him liberty to come out of his monastery and become his Lordship's chaplain, in which station he continued about a year, until the Governor thought fit to dismiss such persons from his attendance as favoured the new opinions. What became of Mr Rough afterwards during his abode in this kingdom, will afterwards appear in this History. He preached in the towns of Carlisle, Berwick, and Newcastle, in the reign of Edward VI., King of England. But in the succeeding reign of Queen Mary he fled into the Low Countries, and, together with his wife, gained his livelihood by knitting of stockings, capes, &c. at Nordin in East Friseland; until the end of October 1557, that he came over into England for providing of necessaries for his occupation. There he was elected preacher to a private congregation, but was taken at Islington, a suburb of London, Sunday the 12th day of December thereafter, and burnt to death on the 22d of the said month.—[An account of John Rough, whose companion in suffering at the stake was a female, is given in Fox's "Acts and Monuments."—E.]

late Act of Parliament, and Proclamation following thereupon. However, the Governor was not so startled therewith, but that he continued his care to implement the design of the Act, for which purpose he desired Mr Sadler to write into England for some Bibles in English, and for the statutes and injunctions made lately there by King Henry for the reformation of the clergy, and extirpation of the Bishop of Rome's authority. And about a week thereafter, viz. on the 9th of April, he told the said Mr Sadler, that he had given direction for admonishing the people to read the Scriptures sincerely and quietly to themselves for their own knowledge, without taking upon them any sinister or rash interpretation of the same, as by Act of Parliament made in that behalf is fully set forth, with the banishment of all other English books except the mere Scriptures, being of the best and truest translation ; and he added—That when the King of England shall have perfected such books as he intended to set forth by public authority, containing such a certain doctrine as is maintainable by the mere truth, if his Majesty shall be pleased to send him the same, he would not fail to publish them here in Scotland. But when he came to talk of the extirpation of religious persons and their houses, which the King of England had recommended to him, he said—That though he desired no less the reformation of the abuses of the Church, and the extirpation of the estate of monks and friars, with the abolition of the Bishop of Rome's usurped authority, than that King did, yet he owned that that would be a hard matter to bring to pass : “ For,” said he, “ there be so many great men in the kingdom that are Papists, that unless the sin of covetousness bring them into it—that is, the desire of having the lands of the abbeyes in their own possession—he knew no other mean to win them to his purpose in that behalf.” And the truth is, the Governor seems here to have *hit the nail upon the head*, as we commonly speak ; for, how palpable soever some errors were that had overspread the Christian doctrine, and however well disposed the great men might have been to apply proper remedies thereunto, yet it is much to be questioned whether they had ever gone so readily, as they did afterwards, into a total suppression of the monasteries and nunneries, which by prudent methods might certainly have been

regulated to good purposes, as had been formerly set forth by Herman Archbishop of Cologne,¹ had not their avaricious

¹ This Prince and Prelate of the Counts of Meurs was excommunicated by Pope Paul III. for heresy, and in consequence thereof driven from his Electorate by the Emperor Charles V. He seems to have been a person of great prudence and moderation ; and it is perhaps much to be wished that the Reformers, in the several nations where their doctrines obtained credit, had gone more upon his plan, than followed an extravagant humour of departing, at all adventures, from the received practices of the ancient Church. I cannot here give the readers a complete account thereof ; only they may know, that he published a book containing his sense and regulations concerning religious worship, which was translated into English, and printed at London by John Daye, anno 1547, in duodecimo, and consisting of about two hundred and seventy pages. It is intituled —“A Simple and Religious Consultation of us, Herman, by the grace of God Archbishop of Colone, and Prince Elector, &c. by what means a Christian Reformation, and founded in God’s Word, of Doctrine, Administration of the Divine Sacraments, of Ceremonies, and the hole Cure of Souls, and other Ecclesiastical Ministeries, may be begun among men committed to our Pastoral Charge, until the Lord graunt a better to be appointed, either by a free and Christian Counsyale, General or National, or elles by the States of the Empire of the Nation of Germanie, gathered together in the Holye Gost.”

The principal articles treated in the book are these :—1. Of Doctrine ; 2. That some Lesson must be recited out of the Holy Scriptures before a sermon, and declared unto the People ; 3. That all sermons must be made to the magnifying of the Lord Christ ; 4. Of the Trinity ; 5. Of the Creation and Governance of all Things ; 6. Of the Cause of Sin and Death ; 7. Of Original Sin, and Man’s Weakness before Regeneration ; 8. Of the Old Testament ; 9. Of the Difference of the Old and New Testaments ; 10. Of Preaching peculiar to the New Testament ; 11. Of the Preaching of Repentance ; 12. Of the True and Proper Use of God’s Law ; 13. A Short Exposition of the Ten Commandments ; 14. Of Remission of Sins, and Justification ; 15. Of Good Works ; 16. Of the True and Natural Signification of this word Faith ; 17. Of the Cross and Tribulations ; 18. Of the Church of God ; 19. Of the Unity or Concord of the Church ; 20. Of Christian Prayer ; 21. A Short Exposition of the Lord’s Prayer ; 22. Of the Abuse in Prayer ; 23. Of the True and False Use of Images ; 24. Of Christian Fasts ; 25. Of Holy Offerings ; 26. A Premonition and Commandment against the Errors of the Anabaptists ; 27. Of the Administration of Religion ; 28. Of Sacraments generally ; 29. Of Baptism ; 30. The Form of a Catechism before Baptism ; 31. The Exorcism ; 32. Of the Administration of Baptism ; 33. How Baptism must be administered at times not prescribed ; 34. Of Confirmation ; 35. Of the Lord’s Supper ; 36. At what time the Lord’s Supper ought to be celebrated ; 37. Of the Communion of Strangers and Sick Folk ; 38. How Sick Persons must be visited, and how we must celebrate the Communion with them ; 39. Of Communion in Private Houses for Men in Health ; 40. Of turning from Sins, and True Repentance ; 41. Of Excommunication ; 42. Of the Making of Pastors ; 43. Of the Blessing of Marriages ; 44. Of Burying ; 45. Of Holy and Feastful Days ; 46. Of Fasting Days and Lent ; 47. Of the

minds absorbed beforehand the whole revenues thereof, whether it was right or wrong, sacrilege or not sacrilege.

The King of England, whether being requested so to do or not I cannot tell, sent down to Scotland, in the beginning of July, one Sir Robert Richardson, a Priest,¹ who was

Difference of Meats ; 48. Of certain other Rites or Ceremonies of the Church ; 49. Of Ecclesiastical Rites upon working Days ; 50. Of Peculiar Days of Procession ; 51. Of Litany ; 52. Of Common Alms ; 53. Of Schools for Children ; 54. Of Schools of Divinity ; 55. Of Disputation ; 56. By what Means a Christian Reformation of Holy Ministry and Cure of Souls may be begun and practised in Parishes ; 57. Of Reforming of Canonical Colleges ; 58. Of the Reformation of Monasteries both of Men and Women ; 59. Of Free and not Monastical Colleges of Virgins ; 60. Of the Order of Cell Brethren and Lay Brethren.

In the article concerning the reformation of monasteries and nunneries this judicious Prelate saith thus :—" As for us, we must follow the Lord's word, and not to go before it ; which word not only enjoineth not to man wifeless, i. e. unmarried life, neither by necessity of commandment, nor by commendation, or exaction of a vow, or by the occasion of any kind of life, or ministry ; but also it bindeth and moderateth the praise of wifeless life, and not of every wifeless life, but of that which may cause a man cleave to God and godly actions more fastly, and with greater continuance. It moderateth the praise thereof, I say, so studiously and with so singular a promise, that as oft as it bringeth forth any thing in the commendation of this wifeless life, and of the manner of serving God without marriage, it addeth forthwith somewhat whereby it admonisheth, that it is not given to every body to serve God out of wedlock ; and that every man ought to consider what gift he has received of the Lord, lest, labouring to higher things, he be not able to stand in the lower ; and lest, while he followeth the higher virtue, he lose the lower, and lay a snare for himself. Thus the Lord's mouth and the Holy Ghost taught of wifeless life, Matt. xix ; 1 Cor. vii ; 1 Tim. v. Seeing, then, that the Lord himself and Master of religion commendeth wifeless life after this sort, and with this wariness both by himself and by his Apostles, it cannot surely be lawful to us his disciples to lay a snare to men commended to our charge, that we should keep them in the grace of God, either by any renewing of commandments, i. e. making new commandments, or exaction of vows whereby they perish, and to thrust them from that, that might be to them a better and a surer way." Then he goes on to advise all virgins, &c. not to act indiscreetly in marrying, but to pray to God for the proper virtues when meet husbands to whom they might be married fall not in their way ; and afterwards he proceeds to regulate the differences that may happen to arise in families concerning inheritance, when any man or woman shall chance to leave their monastery, and enter into a married state.

¹ i. e. A person in priest's orders ; and not what we now commonly call a priest, by which appellation we mean one that is a presbyter of the Church of Rome. He had the title of Sir from the Pope, who dubbed knights like other princes ; but he has been one of those clergymen who afterwards renounced the Pope's jurisdiction, and entered into the King's new measures.

presented to the Governor by Mr Sadler. The Governor received him courteously, and heard him preach, and likewise promised him a living and entertainment in the country; and the same Sir Robert, by license from the Governor, went to St Andrews, and talked with the Cardinal; but it is a pity we are ignorant of the communing that passed betwixt them, the purport thereof being only transmitted to King Henry by Richardson himself, and no part thereof dropped to posterity in Mr Sadler's Letters. The books which were sent from England were not very much esteemed in this country, because it seems they treated mostly of true and solid religion; whereas the faction that favoured the new opinions here, were mostly taken up with that part which confuted the Bishop of Rome's supremacy, and tended to depress the clergy, which was a point of reformation that our great men were specially fond to advance and set forward, that thereby they might enrich themselves out of the spoils of the Church. Things went in this channel from the first Parliament of the Governor, until the time that he shifted sides, and went over to the Cardinal. But how soon the Governor came with that Prelate to Stirling, his natural brother John Hamilton, Abbot of Paisley, did so effectually, it seems, represent to him the former false measures he had taken, considering that the legitimacy of his own birth, and consequently the very title to his own private estate, as well as his advancement to the public high office in which he was invested, did solely depend upon the Pope's authority, and the laws of the Church as then established, that the Governor himself was quickly reconciled to the Church, by making a public renunciation of his errors, and receiving absolution from the hands of the Cardinal, in the church of the Franciscans in that city. The consequence of which was, that the two preachers Williams and Rough, and such gentlemen as favoured the new doctrines, were dismissed from being about the Governor. Sir Robert Richardson also, and others that had come from England, were fain to return home as being in danger of their lives since the new turn of affairs. Nor was the Governor satisfied in the abandoning of his former friends; but that he might the better testify his zeal and integrity in his late conversion, he, in the

Parliament, that sat next December, made the following proposition on Saturday, the 15th of that month, viz.—

“The which day my Lord Governor caused to be shewn and proponed in plain Parliament to all Estates being there gathered, how there is great murmur that heretics more and more rise and spread within this realm, sowing damnable opinions contrary to the faith and laws of Holy Kirk, Acts and Constitutions of this Realm; exhorts therefore all Prelates and Ordinaries, each one within their own Diocese and jurisdiction, to enquire upon all such manner of persons, and proceed against them according to the laws of Holy Kirk; and my said Lord Governor shall be ready at all times to do therein that accords him of his office.”¹

During this winter remained in Scotland the Pope's Legate,² who arrived here in the ships that brought the money, &c. from France to the Earl of Lennox. I mention the Legate in this article of Church affairs merely because of his ecclesiastical character and dignity; for I do not find that he had any particular business to do relating to the Church, further than may be supposed in general to recommend the extirpation of heresy, and a firm adherence to her interests. His chief commission seems to have been to dissuade the marriage of our Queen with the Prince of England, and to make promise of bulky assistance from the Pope in case of a rupture with that Crown. After he had been courteously and splendidly entertained by persons of the greatest rank from his arrival in the kingdom, he departed in the beginning of the month of March 1543-4,³ and was so well pleased with the reception he had met with here, that wherever he went afterwards he still spoke of the magnificent civilities of the Scottish nation, and represented them in a

¹ Regist. Parliam.—[Acta Parl. Scot. folio, vol. ii. p. 425.—E.]

² Bishop Lesley calls him Peter Francis Contareno, the Patriarch of Venice, but Mr Sadler calls the Legate, who he heard was coming into Scotland, Mark German; and, which seems to be of greatest authority, the Earl of Arran, in his letter to the Pope, dated the 8th December, calls him Marcus Grymanus, Patriarch of Aquileia.

³ His recommendatory letter from our infant Queen to the Pope, when he was ready to return home, is dated the last day of February 1543. Vide Epist. Reg. Scot. vol. ii.

particular manner to the King of France, the State of Venice, the College of Cardinals, and to the Pope.¹

In prosecution, as would appear, of the order in Parliament presented by the Governor in the end of the year 1543, the Cardinal made a visitation into some parts of his Diocese in the end of the year 1545, or rather, as may be conjectured, 1545-6,² accompanied by the Lord Governor,

¹ [Sir James Balfour says—"The Patriarch of Venice, the Pope's Legate, that lately before had come to Scotland, is this year [1544] honourably received by the Regent, and sumptuously feasted by the Earl of Moray, and at his departure transfers his legantine power *a latere* on Cardinal Beaton. He dissuaded the Regent, Queen Mother, and their adherents, as they tendered the weil of the Catholic religion, and his Holiness' blessing, no way to condescend to the marriage with England. And the Patriarch, after his return to Italy, informs the Pope and whole College of Cardinals of the singular good will and humanity of the Scots, as also of their affection to the Roman See."—Annals, vol. i. p. 280. To this may be added, that the Great Seal was taken from Archbishop Dunbar of Glasgow in December 1543, and bestowed on Cardinal Beaton. Pope Paul III., in answer to pressing letters from the Regent, constituted the Cardinal his Legate *a Latere* in Scotland by a Bull of 30th January following. He was thus placed at the head both of the Church and State, including the whole civil judicature of the kingdom, being as Lord Chancellor *ex officio* Principal of the Court of Session, the supreme judicatory in civil causes. It is stated that two remarkable alterations occurred in the customs of the Court of Session during the Cardinal's time, which are supposed to have been derived from the tribunals of the Roman Church, with which doubtless he was very familiar. The one was the custom, which is continued to this day, of the Judges of the Court of Session assuming, if they think proper, a title on their elevation to the Bench. The first Judges of the Court were called *Lords of Session*, as the Judges of the previous Court were termed *Lords of Council*; but the individual Judges of the Court of Daily Council were never designated as have been many of the Judges of the Court of Session since, nor were the early Judges of that Court so designated. The first who apparently was recognized by a territorial title was John Waddell, Parson of Flisk, a parish in the north side of Fife on the Tay, who is called *my Lord of Flisk*, or *Lord Flisk*, first named as an Ordinary Lord of Session in June 3, 1534. Pitcairn's Criminal Trials, vol. i. Part II. p. 472. In 1527, he was Rector of the University of St. Andrews, and he was one of the Judges of Patrick Hamilton.—Historical Account of the Senators of the College of Justice by Haig and Brunton, p. 55. The other change was the appointment of Lords Ordinary to sit in the *Outer House*, to hear and determine causes, which is supposed to have been also derived from the practice of the tribunals of Rome. No such distinction as an *Outer and Inner House* existed at the first Institution of the Court of Session. All the Judges sat in the Council House, but soon after the Cardinal's time an *Outer House* appears.—E.]

² The chronology of this progress, as delivered by our historians, is so irreconcilable, that I can make nothing of it. Mr Knox says, that the

the Earl of Argyll, Lord Justice-General, the Lord Borthwick, the Bishops of Dunblane and Orkney, Sir John Campbell of Lundy, and sundry other gentlemen. When they were in the town of Perth, several persons were delated of heresy, being indicted particularly for contravening the Act of Parliament 1542-3, whereby the lieges were forbidden to argue or dispute concerning the sense of the Holy Scriptures. The pannels were quickly found guilty by the verdict of an assize ; three or four were banished, and some were shut up in prison, but these following were condemned to die, viz. William Anderson, Robert Lamb, James Ronald, James Hunter, James Finlayson, and Helen Stark his wife. Great intercession was made for a pardon, but nothing did prevail, so the men were executed by hanging, and the woman by drowning. Perhaps the Cardinal was the more inexorable, that he might cast a copy for the other Prelates, what they

execution at Perth was on St Paul's Day, i. e. the 25th of January, before the first burning of Edinburgh. Now, that first burning was in the year 1544, so that, according to him, the Cardinal and Governor were at Perth in the month of January 1543-4. But this is highly improbable, since we have already observed that about that time of that year, the Governor was in the West about Glasgow, pursuing the Earl of Lennox ; besides that, the Pope's Legate was then in the country, and they were busied in entertaining him. Mr Sadler does indeed inform us, that the Governor and Cardinal went about the 10th of November 1543 into Fife and Angus, in order to gain the Earl of Rothes, the Lords Gray, Ogilvy, and Glamis, to their party, either by force or policy, but he says nothing of Perth, nor of any execution of heretics. Mr Fox also assigns this execution to the same year and time of the year 1543, with Mr Knox, *ex Regist. et Instrumentis a Scotia missis* : Mr Buchanan, that the progress was in the end of the year 1545, and that after the execution at Perth, and a farther progress into the county of Angus in search of heretics, the Cardinal and Governor returned, and kept their Christmas for three weeks together in St Andrews that same year 1545, immediately before the catching of Mr Wishart. So that neither the certain year, nor season of the year, are clearly accounted for by our public writers. However, that I might afford some light to this matter, I have narrowly observed the rolls of Parliament, and do find that the Governor and Cardinal were present in the winter Parliaments, except in the end of the year 1545, in the months of December and January. It is true there was no session of Parliament in the month of January 1543-4 ; but that the Governor and Cardinal did not make their progress northward in that year I think is very improbable, for the reasons above assigned. Nor was it likely to have been in January or February 1544-5, Ancrum Moor having been fought the 17th of February that year. So that all these things being duly considered, I rather join with Mr Buchanan, who places this execution at Perth in the end of the year 1545.

ought to do in their several Dioceses ; or perhaps he thought, by this exemplary punishment, to put an effectual stop to the growing of heresy throughout the kingdom, seeing that town and the country thereabout was more infected therewith than any other parts of the nation.¹

¹ [The Cardinal's expedition to Perth, though a matter of historical fact, is, as Bishop Keith observes in his own note, very difficult of explanation. The true narrative seems to be, that the Cardinal and the Regent itinerated through the counties of Fife and Forfar in 1544, to secure George third Earl of Rothes, Patrick fifth Lord Gray, James fifth Lord Ogilvy, John seventh Lord Glamis, and others, who were suspected of "heretical" tendencies, or at least of laxity in their doctrinal notions. The Cardinal's success with Lord Gray may be inferred from the fact that his Lordship contrived to receive a grant of part of the Barony of Rescobie in Forfarshire from the said Cardinal in October 1544, for his "ready and faithful help and assistance in these dangerous times of the Church," and in November following he obtained a portion of the lands of Foulis ; yet this personage was one of the very first of his rank to countenance the Reformation. The Cardinal's second visitation, which is that mentioned in the text, appears to have been in January 1545-6, and the cavalcade assumed a most imposing aspect. The Cardinal was now in the highest power and prosperity, and he had gained all the advantages of ruling which he wanted to exercise at the death of James V., while he avoided much unpopularity by Arran, the responsible Governor or Regent, being his companion. The prosecution and fate of the persons at Perth, who seem to have been decent citizens, is enveloped in considerable mystery, and it is nowhere recorded for what particular opinions or acts they suffered death ; but that it was done according to the forms of law is evident from the presence of the Regent and of the Earl of Argyll, then Hereditary Lord Justice-General. It is curious that Sir James Balfour makes no allusion to this affair in his "Annals of Scotland," or Historical Works, edited by Mr James Haig, of the Advocates' Library, published in four volumes octavo in 1824. In Mercer's "Chronicle of Perth," edited for the MAITLAND CLUB by James Maidment, Esq. Advocate, the date of the execution is stated to have been the 25th of January 1543-4, and only four persons are mentioned, viz. James Hunter, Robert Lamb, James Richardson, and his wife. If we are to credit the traditional gossip recorded by Knox and Buchanan, and the work entitled "Memorabilia of Perth," the Cardinal and his companions acted most unfeelingly, and the former is said to have witnessed the execution of the men from a window in the Spy Tower, a building on the river side in the Earl of Gowrie's garden. The men were hanged on the then bridge of Perth, and the woman was drowned in the Tay. According to Knox and Buchanan, the crime of one of them was his insolent interruption of a clergyman during his sermon, by commenting on some of the observations of the preacher, and publicly denying that invocations to saints were at all necessary or essential. His three associates were accused by the Franciscans of treating with ridicule an image of St Francis, by nailing horns to its head, dressing it in such a fantastic manner as to represent their notions of the devil, and violating the canonical injunctions enjoining abstinence during Lent, or, according to Knox, of "eating a goose on Good Friday." The

The Cardinal, perceiving that, notwithstanding the severities he had used, many persons in divers places did incline to the new doctrines, and that they were much fortified in their opinions, and discouraged from entertaining a due regard to the Church, by the immoral lives of a great many of the clergy, had called a Provincial Council to meet at Edinburgh on the 13th of January 1545-6, in the Black-Friars,¹ in order to consult upon proper methods to discourage the springing heresy, and to restrain the licentiousness of clergymen, which gave so great scandal, and a handle to the people to desert them. But how far they proceeded in that affair remains uncertain; or if they were not altogether diverted from any inquiry into it by the information they

woman was charged with declining to invoke the Virgin during childbirth, and declaring that she would pray to God only in the name of Christ. It is probable that the conduct of the whole of them had been peculiarly violent and offensive, for otherwise they were too obscure to attract notice, and it was dangerous in those times to attack the established religion of the kingdom, especially when such a man as the Cardinal was at the head of ecclesiastical affairs. It is some palliation of that extraordinary man's conduct to remind the reader that James VI. in 1600, fifty-five years after this event, caused Francis Tennent, merchant burgess of Edinburgh, to be hanged for merely writing pasquils against him, Pitcairn's Criminal Trials, vol. ii. p. 332-335;—that in 1601 the same monarch allowed Archibald Cornwall to be executed for exhibiting the royal portrait on the public gibbet, Ibid. p. 349;—that in 1615 John Fleming was hanged for uttering "treasonable, blasphemous, and damnable speeches" against the same King, Ibid. vol. iii. p. 359;—and that in the same year Thomas Ross, brother of a gentleman named Ross of Craigie in Perthshire, had his right hand struck off, and was afterwards beheaded, for writing some satires against the Scottish nation, and affixing them to a church door in Oxford, Ibid. vol. iii. p. 445, 454. Many other examples are recorded of victims to an arbitrary law in that reign, and the dreadful cruelty and oppression inflicted by the Covenanters on their opponents during the reign of Charles I. are well known. It is unfair, therefore, to denounce Cardinal Beaton as a man peculiarly tyrannical and severe. Many more odious crimes were perpetrated by Protestants a century after his time, than any thing with which he was ever concerned.—E.]

¹ [The church and monastery of the Black Friars occupied the site of the present Royal Infirmary and Surgeons' Square, on the south of the Cowgate, and immediately east of the University. A narrow alley, once the abode of the Nobility, and which Royalty itself has traversed, extending from the High Street to the Cowgate, still bears the name of the Blackfriars' Wynd. Queen Mary walked through this alley when she went to visit Lord Darnley, and returned by it to Holyrood Palace, the night before he was murdered by Bothwell, in the adjoining house of the Provost of the church of St Mary-in-the-Fields, commonly called the *Kirk-of-Field*.—E.]

then received, that Mr George Wishart, the famous preacher of heresy,¹ for whom the Cardinal had long searched, was just then at the house of Cockburn of Ormiston² in East Lothian. The Cardinal went immediately to the Governor, and desired he would send his servants to seize the said Mr George Wishart, that he might be pursued as an heretic,³ which the Governor very unwillingly complied with; but the Laird of Ormiston, refusing to deliver him up, as hoping

¹ [This affair requires a lengthened note, in addition to what Bishop Keith says of Wishart, as the Cardinal has been more blamed for this transaction than it now appears from undoubted and authentic documents he deserved. The reader is referred to the additions to Bishop Keith's own note towards the conclusion of this Chapter.—E.]

² [This gentleman was apparently Sir Alexander Cockburn, proprietor of the mansion and estate of Ormiston, in the parish so called, county of Haddington, upwards of two miles from Tranent. His son Alexander was a pupil of John Knox, when he was preceptor to the two sons of Douglas of Longniddry on the shore of the Frith of Forth, about eight miles from Tranent. Cockburn of Ormiston, who had early connected himself with the preachers of the new doctrines, was, like Wishart, one of the party hired by Henry VIII. to murder Cardinal Beaton. On the occasion mentioned in the text, Wishart proceeded on foot to Ormiston, after preaching at Haddington, seven miles distant, accompanied by Cockburn, Crichton of Brunstane near Pennycuik, and Sandilands of Calder, other two of the band paid by Henry VIII. to murder the Cardinal. The mansion in which Wishart was apprehended stood about two hundred yards west of Ormiston Hall, now a seat of the Earl of Hopetoun, and the only remains of it are a gable partly connected with the wall of the surrounding flower garden, a staircase, and some vaults. Outside an aisle which was connected with the old parish church of Ormiston, the ancient burying place of the Family of Cockburn, in a wooded enclosure, originally the cemetery of the parish, is a brazen tablet in excellent preservation, with an elegant Latin inscription, supposed to have been written by Buchanan, to the memory of Knox's pupil above mentioned, who died in 1535, at the early age of twenty-eight. In the flower-garden of Ormiston Hall is a most magnificent tree, which was considered very old in 1561, under which, according to tradition, Wishart frequently preached. In 1827, the circumference of the trunk was 17 feet, the height above 30 feet, and the ground covered by the branches nearly 180 feet.—E.]

³ [The Cardinal had other and more important reasons to incite him to get Wishart if possible into his power. He knew that the "Martyr" was one of the most active leaders of the infamous confederacy formed and paid by Henry VIII. to murder him. After Wishart was taken to Elphinstone Tower, the Cardinal dispatched another party to apprehend Cockburn of Ormiston, Sandilands of Calder, and Crichton of Brunstane, whom he knew, especially the latter, to be his inveterate enemies. Crichton, however, escaped to the woods of Ormiston, but Cockburn and Sandilands were secured, and sent to Edinburgh Castle, in which fortress they were imprisoned some time.—E.]

to have wrought his escape, the Earl of Bothwell,¹ High Sheriff of the county, advanced to the house of Ormiston, having left the Cardinal within a mile of the place, and, as some say, the Governor in company with him; and to this Nobleman Mr Wishart was delivered up, he undertaking, according to Mr Knox, to keep the man harmless at that time, and either to set him at liberty, or to restore him to the same place where he received him. This step, made by the Cardinal in person, is sufficient to shew the value he put upon the man, which is likewise still more apparent from the following Act of Council, obliging Patrick Earl of Bothwell to deliver up to my Lord Governor the person of Mr Wishart:—

“*19th January 1545-6.*—The which day, in presence of my Lord Governor and Lords of Council, compeared Patrick Earl Bothwell, and has bound and obliged him to deliver Master George Wishart to my Lord Governor, or any others in his behalf whom he will depute to receive him, betwixt this and the penult day of January instant inclusive, and shall keep him surely, and answer for him in the mean time, under all the highest pain and charge that he may incur if he fails herein.”

Mr Wishart was first carried by the Earl of Bothwell to the house of Elphinstone in East Lothian,² where the Cardinal was. From thence he was conveyed to the castle of Edinburgh, and from that to the Cardinal's castle of St Andrews. Thither the Cardinal wrote to the other Prelates to convene on the 27th of February, and in that meeting Mr Wishart was sentenced to be burned the 1st of March; which was accordingly put in execution; and that day the Cardinal caused be proclaimed through the city of St Andrews, that no person

¹ [This was Patrick third Earl of Bothwell, who succeeded the second Earl his father when an infant, in 1513. He was the father of James fourth Earl, who murdered Lord Darnley, and married Queen Mary.—E.]

² [Elphinstone Tower is at the village of its name, four miles from Dalkeith, and two miles from the village of Tranent, in which parish it is situated. It is supposed to have been erected about the year 1300, and an addition to it, still inhabited, was built in 1600. The room alleged as Wishart's temporary prison, after he was brought from Ormiston, is a most revolting apartment under the great hall. The room is also shewn in which the Cardinal slept on the night of Wishart's apprehension.—E.]

should pray for the heretic, under penalty of the severest ecclesiastical censures. Mr Wishart was a son of Pitarrow in the Mearns. He had been in his younger years master of the Grammar School at Montrose, and had afterwards studied at Cambridge. He is reckoned to have been the worthiest person of all those who supported the new doctrines in this kingdom.¹ He returned into Scotland in the

¹ [Bishop Keith would not have recorded this eulogium on Wishart if he had been aware of certain actions of his life, now ascertained on the most undoubted authority. In addition to the brief notice of Wishart in the text, it may be stated that he was a son of James Wishart of Pittarrow in Kincardineshire, another son of whom, Sir John Wishart, was an Extraordinary Lord of Session, and filled several important offices in the reign of Queen Mary and James VI. The family were ancient and respectable, and one of them, William Wishart, was Bishop of St Andrews and Primate of Scotland from 1272 or 1273, to 1279. Little is known of the early history of the "Martyr." He became acquainted with John Erskine of Dun; and when that gentleman was elected Provost of Montrose, he went to that town, and publicly taught the Greek language under the patronage of Erskine, who was an early encourager of Greek literature in Scotland. In 1538, however, Bishop Hepburn of Brechin, at the instigation, it is alleged, of Cardinal Beaton, then Abbot of Arbroath, thirteen miles distant, threatened Wishart with a prosecution for teaching, without authority, the Greek New Testament, which compelled him to retreat into England. After a variety of adventures we find him at Bristol, where he set up as a preacher, and made himself conspicuous by denouncing the adoration of the Blessed Virgin, the invocation of saints, and other points. This caused him to be apprehended and condemned for heresy, but he publicly recanted in St Nicholas' church in that city. Wishart found his way in 1543 to Cambridge, and became a resident at Corpus Christi College. His appearance and conduct there are favourably described by one of his pupils named Tylney, whose account of him is printed by Fox, in his "Acts and Monuments." Wishart, according to this Tylney, was of "tall stature, bald-headed, of a melancholy countenance, black-haired, long-bearded, well spoken of after his country of Scotland, courteous, lowly, glad to teach, desirous to learn, and was well travelled." During Wishart's sojourn in England he was in active correspondence with Cardinal Beaton's enemies in Scotland, who were negotiating with Henry VIII. to murder him. The only difficulty in that infamous transaction, seems to have been the reward which was to have been given by the King for the deed of blood. Wishart was in Scotland early in 1543, about the time the Cardinal was in custody on the pretended charge of a treasonable correspondence with France to overthrow the regency of his cousin the Earl of Arran. But the reconciliation of the Cardinal and the Regent was soon effected, and the abjuration of the "reformed" cause by the latter having frustrated the English intrigues with the Earls of Cassillis, Glencairn, and others, to assassinate the Cardinal, Sir Ralph Sadler employed Crichton of Brunstane, who had been in 1539 the confidential agent and steward of the Cardinal, to watch his movements and those of the Regent. This Crichton, who concealed under the mask of religion a disposition most

year 1544 ; and an account of his labours, and the last scene of his life, is written pretty fully by our other historians, to whom I refer. But perhaps there is one passage which

ferocious, unprincipled, and revengeful, was at this time engaged in a new plot against the Cardinal, in which Norman Leslie, eldest son of the Earl of Rothes, Kirkaldy of Grange, and Charteris of Kinfauns, were intimately concerned. Their object was either to murder or seize the Cardinal, if properly supported and rewarded by Henry VIII., Despatch to Henry VIII., *apud* Tytler's History of Scotland, vol. v. p. 456, 457. In April 1543, Wishart brought a letter to the Earl of Hertford, then at Newcastle with the English army, detailing the particulars of the proposed conspiracy, and after an interview, he was entrusted with a despatch to Henry himself, signed by Hertford, the Bishops of Durham and Llandaff, and Sir Ralph Sadler, carrying also the letter of Crichton of Brunstane, which contained the proposal of Kirkaldy of Grange, Norman Leslie, and others, to kill or apprehend the Cardinal when he "shall pass throughe the Fyfe lande, as he doth sundrye times, to Sanct Andrewes; and in case they can so apprehend hym, will delyver hym unto your Majestie." Wishart was admitted by Henry VIII. to an audience, and detailed to that monarch, whom he found exasperated against the Cardinal, all the projects of the conspirators. The King expressed his satisfaction, and pledged himself that they would receive the most complete protection and liberal rewards, if they were compelled to seek refuge in England. Wishart returned to Scotland about the end of July 1545, in the company of the commissioners sent to negociate the marriage of Prince Edward and Queen Mary, and to the day of his apprehension by the Cardinal he was so far protected by their influence, that he was usually attended by one or more of the party in the pay of Henry VIII. After his arrival in Scotland, he became a preacher in Montrose, Dundee, and other towns, and denounced the doctrines and ritual of the Papal Church, with an energy and eloquence which made a deep impression on multitudes who resorted to him. His discourses in Dundee caused a serious riot, and the houses of the Black and Grey Friars were destroyed. It is evident, from a letter written by the English agent, dated 4th September 1543, that Henry VIII. secretly influenced the Earl Marischal, the Earl of Glencairn, and others of the party, to encourage Wishart in his attacks on the Church, in the hope of increasing the distractions of the country. Wishart next went to Perth, and thence he itinerated in Ayrshire, particularly in the town of Ayr, the village of Mauchline, and the parishes of Barr and Galston. He returned to Dundee when he heard that an epidemic was fatally prevalent in that town, and as he was not allowed to enter it lest his visiting the sick might be dangerous to him, he ascended the Cowgate Port or Gate, which is still preserved as a memorial of veneration for him, and preached to the uninfect within the gate, and the diseased who lay without on pallets in the street. On one occasion, after descending from the top of the arch, he discovered a disguised priest, who was stationed for the purpose of assassinating him. After this attempt, Wishart never appeared publicly without a double-handed sword carried before him, and John Knox for some time discharged the singular office of acting as his sword-bearer. He was also protected by a strong body of armed men, commanded by some friendly

some would expect I should not omit ; and that is, the prophetic warning which he is said to have declared against the Cardinal at the time of his death. The matter was thus : The Cardinal, as is reported, was viewing the execution from a window overlaid with tapestry ; and after the fire had begun to burn about Mr Wishart, he is said to have expressed himself in these or the like words :—“This flame hath scorched my body, yet it hath not daunted my spirit ; but he, who from yonder high place beholdeth us with such pride, shall within few days lie in the same as ignominiously, as now he is seen proudly to rest himself.” I confess I give but small credit to this, and to some other things related concerning some of those persons that suffered for religion in our country, and which upon that account I have all along omitted to narrate. I own I think them ridiculous enough, and seemingly contrived, at least magnified, on purpose to render the judges and clergymen of that time odious and despicable in the eyes of men. And as to this passage concerning Mr Wishart, it may be noticed that there is not one word of it to be met with in the first edition of Mr Knox’s History ; and if the thing had been true in fact, I cannot see how Mr

Baron in the confidence of his friends. After the disappearance of the epidemic at Dundee he returned to Montrose, where he occasionally preached, but Knox asserts that his time was chiefly devoted to “private meditation.” Towards the end of the year 1545, Wishart revisited Dundee, and then proceeded by Perth and through Fife to Edinburgh, to meet the Earls of Glencairn and Cassillis, and some gentlemen from Ayrshire, according to an arrangement he had made when in that country. This meeting was to be attended by Norman Leslie, Douglas of Longniddry, Crichton of Brunstane, Cockburn of Ormiston, and others, all in the pay of Henry VIII., and notorious conspirators against the Cardinal. They had maintained a close correspondence with Wishart during his residence at Montrose and Dundee. He went to Leith, the seaport of Edinburgh, but to his disappointment, Glencairn and Cassillis with their followers did not arrive, and Crichton of Brunstane and his associates could not act without them. Being informed that the Cardinal and the Regent were to be soon in Edinburgh, Wishart betook himself into Haddingtonshire, preaching by the way at Inveresk, still the parish church of Musselburgh, at Tranent, and in the town of Haddington. From the latter town he walked to Ormiston, accompanied by Cockburn, Crichton, and Sandilands of Calder, and by John Knox, who was then upwards of forty years of age, and was preceptor to the sons of Douglas of Longniddry. Knox was anxious to accompany Wishart on this occasion, but he was dissuaded by him, and returned to Longniddry with his employer. This was the eve of the night on which Wishart was apprehended by the Earl of Bothwell, and delivered to the Cardinal at Elphinstone Tower.—E.]

Knox, who was so good an acquaintance of Mr Wishart, and no farther distant from the place of his execution than East Lothian, and who continued some months along with the murderers of Cardinal Beaton in the castle of St Andrews, could either be ignorant of the story, or neglect to insert in his History so remarkable a prediction. And it has even its own weight, that Sir David Lindsay, who lived at that time, and wrote a poem called the Tragedy of Cardinal Beaton, in which he rakes together all the worst things that could be suggested against this Prelate, yet makes no mention, either of his glutting himself inhumanely with the spectacle of Mr Wishart's death, nor of any prophetic intermination made by Mr Wishart concerning the Cardinal, nor doth Mr Fox take notice of either of these circumstances; so that I am much of the mind that it has been a story trumped up a good time after the murder.¹

Not only did the clergy in general, and the Cardinal's friends, highly applaud him for the execution of Mr Wishart, without the approbation, and even without the knowledge and consent, of the Governor, who had desired the trial might be delayed till he himself should come to St Andrews; but the Cardinal himself was no doubt greatly pleased therewith, as hoping that now he had given a deadly blow to the heresy, and that his enemies would henceforth be kept in

¹ [Bishop Keith's observations in the text are correct. There is no evidence to prove that the Cardinal witnessed Wishart's incrimination. As to Wishart's announcement of the Cardinal's fate, if he really uttered the words ascribed to him at the stake, it must have been from his knowledge of the confederacy formed by Norman Leslie and his own associates to murder that Prelate at the earliest opportunity. Wishart was fond of intimating events which soon afterwards occurred, and the ignorant peasantry interpreted his denunciations as actual prophecies. Some modern writers, also, have maintained that he really possessed a prophetic gift, although it is evident that in all his allusions to the future, nothing can be discovered beyond the sanguine expectations of a partizan, who well knew the ecclesiastical and political condition of the kingdom. Wishart understood all the secret contrivances of Henry VIII., and the contemplated invasion of Scotland. "He enjoyed, it is to be remembered," says Mr Tytler, "the confidential intimacy, nay, we have reason to believe that his counsels influenced the conduct, of Glencairn, Cassillis, Brunstane, and the party who were now the advisers of Henry's intended hostilities—a circumstance which will perfectly account for the obscure warning of the preacher, without endowing him with inspiration."—History of Scotland, vol. v. p. 415.—E.]

fear and subjection. And yet, so uncertain are the issues of all human consultations, that this very thing proved the rock on which he and all his fortunes perished; for not only were the minds of the Commons much irritated by this execution, but even the humours of some of high rank, who otherwise bore no good will to the Cardinal, were so sharpened and enraged at his persecutions, that they openly avowed the blood of Mr Wishart should not pass unrevenged. Soon after this the Cardinal went into Angus, to be present at the marriage of his daughter Margaret,¹ with David Lindsay, Master of Crawford, at Finhaven, the then dwelling-house of the Earl of Crawford, where the nuptials were solemnized with great pomp and magnificence. Whilst this was a-doing, Mr Buchanan informs us that the Cardinal received intelligence how that the King of England was making great naval preparations to infest the Scottish coasts; and that thereupon he immediately returned to St Andrews, and appointed a day for the gentlemen of that country which lies much exposed to the sea to meet, and consult in common what remedy to apply to the present evil. He likewise began to fortify his own castle of St Andrews more strongly than it had been before. Amongst other persons who repaired to the Cardinal was Norman Leslie, eldest son to the Earl of Rothes. This man had formerly done services to the Cardinal; but meeting now with some disappointment from

¹ I have seen a copy of the contract of marriage in the hands of David Beaton of Balfour. It is dated at St Andrews, the 10th of April 1546, and subscribed by the Cardinal, who expressly calls the bride *my daughter*, with whom he gives 4000 merks in dowry—a great sum at that time. The King of England gave but 6800 merks with his niece to the Earl of Lennox.—[Finhaven Castle, now in ruins, is on the banks of the Lemno, which joins the Esk a short distance below it in the parish of Oathlaw, Forfarshire. The Nobleman whom the Cardinal's daughter married was David, only son of Alexander, Master of Crawford, who succeeded as ninth Earl of Crawford. The issue of the marriage were four sons and one daughter, viz. David, whose son and grandson became the tenth and eleventh Earls; Henry, who succeeded as twelfth Earl; Sir John Lindsay; Alexander, created Lord Spynie in 1590; and Lady Helen, who married Sir David Lindsay of Edzell. The male representation of the ancient Family of Crawford, by the descendants of the Cardinal's daughter, ceased with George third Lord Spynie at his death in 1672. The representation devolved on that Nobleman, at the death, in 1647 or 1648, of Ludovick fourteenth Earl of Crawford, who distinguished himself for his loyalty to Charles I., and his determined opposition to the Covenanters.—E.]

him, with respect to a certain business depending betwixt them two, he departed with thoughts full of revenge, and inveighed openly amongst his friends against the intolerable pride of the Cardinal, insomuch that they entered into a horrid design to take away his life.

The accomplices went early in the morning, on Saturday the 29th of May, and expelled from the castle of St Andrews all the servants and workmen, having first seized the porter, and secured the gate. This was performed with so little noise, that the Cardinal knew nothing of it till they knocked at the chamber-door where he lay. Then he asked—"Who was there?" John Leslie made answer—"My name is Leslie." "Which Leslie," said the Cardinal: "Is it Norman?" It was answered, that he must open to those that were there. This answer made the Cardinal fear the worst, and therefore he began to secure the door, and whilst they were using force to make it open, he asked—"Will ye save my life?" John Leslie answered—"Perhaps we will." "Nay," replied the Cardinal, "but swear unto me by God, and I will open." To which John answered—"What was said is unsaid," and then he called for fire to burn the door; upon which the Cardinal, after a promise given him, as some relate, that no violence should be used, thought fit to open the door, and then sat him down on a chair, saying—"I am a priest, ye will not slay me." Howbeit John Leslie smote him once or twice, as did likewise Peter Carmichael; but James Melville, a man, says Mr Knox, in his account of this barbarous murder, *of nature most gentle and most modest*, perceiving them both to be in choler, said—"This work¹ and judgment of God, although it be secret, ought to be done with greater gravity;" and presenting to the Cardinal the point of his sword, said—"Repent thee of thy former wicked life, but especially of the shedding of the blood of that notable instrument of God, Mr George Wishart; which, albeit the flame of fire consumed before men, yet cries it for vengeance upon thee, and we from God are sent to revenge it:² for here, before my God, I protest

¹ In the 8vo edition of Knox's History there is the following marginal note, viz. "*The godly fact and words of James Melvin:*" but in the 4to and folio editions the word *godly* is suppressed by the editors.

² Conformable to this enthusiastic notion, Mr Calderwood in his History,

that neither the hatred of thy person, the love of thy riches, nor the fear of any trouble thou couldst have done to me in particular, moved or moveth me to strike thee, but only because thou hast been and remainest an obstinate enemy against Christ Jesus and his holy gospel." This said, without waiting an answer, or allowing him the smallest time for performing of that to which he had fanatically exhorted him, he stabbed him twice or thrice through the body, and so left him weltering in his blood. Meantime the noise spread that the castle was taken, whereupon such as favoured the Cardinal posted thither in all haste, and called out for ladders to scale the walls ; but when it was told them that the Cardinal was dead, whom they sought to rescue, their hearts cooled, and they dispersed at the sight of his dead body being shewed to them from that place where before he had beheld the execution of Mr Wishart,¹ as the story is now related.

page 2, hath these words, viz.—“ The Cardinal intended farder, if the Lord had not stirred up some men of courage to cut him off in time.” And Mr Fox in his Martyrology says, these men *were stirred up by the Lord*. Were I by opinion a *predestinarian*, I would not stick to affirm that they had been stirred up to this heinous sin for their farther and more certain condemnation ; but as I am not, I have as little scruple to say, that they have been stirred up to it by some one else than the Lord.

¹ Mr Dempster, in his “*Historia Ecclesiastica*,” p. 598, printed at Bononia 1627, affirms that Mr Wishart was in the plot to take away the Cardinal’s life, and so might easily foretell his death ; and Dr Mackenzie, in his *Life of Mr Wishart*, has given us a scrape of a letter that seems strongly to support the truth of that assertion. But because the letter is not among Mr Sadler’s Letters, nor can I find it in the Lawyers’ [Advocates’] Library, after a great deal of search made for it, though the Doctor says it is there to be met with—I can determine nothing in the matter. However, I shall here set down the letter as published by the Doctor.—*Earl of Hertford’s Letter to King Henry, 17th April 1544*—“ This day arrived from Scotland Mr Wishart, who brought me a letter from my Lord Brimston, which I send your Highness herewith, and, according to his requests, I have taken order of the repair of the said Mr Wishart to your Majesty, for the delivery of such letters as he hath to your Majesty from the Lord Brimston, and also for the said declaration of his credence, which, as I can perceive by him, consisteth of two points, one in the Laird of Grange, late Treasurer of Scotland, and the Master of Rothes, the Earl of Rothes his eldest son, and John Charteris, who would attempt either to apprehend or slay the Cardinal at some time when he should pass through the Fife-land, as he doth sundry times to St Andrews ; and in case they can so apprehend him, will deliver him up to your Majesty ; which attempt, he says, they would enterprize, if they knew your Majesty’s pleasure therein, and what supportation and maintenance your Majesty will minister unto them after

Thus died Cardinal David Beaton,¹ the last of that dignity in Scotland. He was born in the year 1494, and was a son of the family of Balfour in the shire of Fife. The beginning of his promotion has very probably risen from his uncle the preceding Archbishop of St Andrews. In the year 1519 he was sent to reside at the Court of France, and his uncle bestowed upon him the Rectory of Campsie; and about the 1524 he gave him the Abbacy of Aberbrothwick, reserving to himself the half of the rents. He returned into Scotland in 1525, and in 1528 was made Lord Privy Seal. In 1533 Abbot Beaton was again sent into France, together with Sir Thomas Erskine of Brechin, the Secretary, to confirm the leagues subsisting betwixt the two kingdoms, and to negotiate a marriage for our King James V. with Magdalene, the French King's daughter; but that the execution of the same, in case they should be pursued afterwards by any other enemies." *Nota*—This might be *Wishart of Pitarrow*.

[There is now no doubt that the *Mr Wishart* mentioned in the above document was *George Wishart* the "Martyr." Mr Tytler cites the famous letter, the existence of which was long denied, completely proving that he was a most active conspirator against the Cardinal. The original letter is in the archives of the Dukes of Hamilton. The Cardinal was to a certain extent aware of the plot against his life, and, viewing with suspicion Wishart, not only as a disseminator of forbidden doctrines, but as the intimate associate of his mortal enemies, it is natural that he would be anxious for his apprehension. "Beaton," observes Mr Tytler, "had either received secret information of the project for his destruction, or the design was for the present [1543] interrupted by some unforeseen occurrence. Succeeding events, however, demonstrated that it was delayed only, not abandoned; and that the same unscrupulous agents who now intrigued with the English monarch, were at last induced by Henry to accomplish their atrocious purpose." In the opinion of George Chalmers, Wishart "deserved to die a thousand deaths, but not for heresy." A passage from the original letter, in the archives of the Duke of Hamilton, is quoted in a previous note, p. 104. That letter, written by the Earl of Hertford, which was carried by Wishart himself to Henry VIII., contained another proposal by Crichton and the other conspirators, exclusive of the one to kill or apprehend the Cardinal, as he passed through Fife to St Andrews. "In cace your Maj.," says Hertford to the King, "wolde grant unto them a convenient enterteynment for to kepe 15 or 16 men in wages for a moneth or two, they, joyning with power of the Erll Marchall, the said Erl of Rothes, the Larde of Calder, and others of the Lord Gray's friends, will tak upon them, at such tyme as your Maj. army shall be in Scotlande, to destroye the Abbey and town of Arbroyth, being the Cardinal's, and all the other Bishops' and Abbots' houses and countreys on that side of the water."—E.]

¹ They now write their name Bethune, but in the time that the Cardinal lived I find it written in the Records Beton or Betoun.

Princess being sickly, the marriage went not forward at that time. There is great probability that the Abbot did remain in France for some good space after this, during which, as tradition, handed down in the family of Balfour, informs us, he became mighty agreeable to that King, who, perceiving his mettle and parts, and knowing withal the favour he had from his own sovereign, the King of Scotland, was desirous to keep him in France, hoping by his influence to retain our King firm to his own interest, in opposition to that of the King of England, uncle to our King. However, it appears by Sir David Lindsay's Tragedy that the Cardinal was in Scotland after Queen Magdalene's death, that he passed again into France, and returned home in company with Queen Mary. What former gratifications the King of France bestowed upon the Abbot I cannot tell, but in the year 1537 he was consecrated Bishop of Mirepoix in that kingdom on the 5th December; and by that King's favour he was made a Cardinal on the 20th December 1538, by the title of *Sancti Stephani in Monte Caelio*. And I see in the Advocates' Library the copy of a grant, dated the 30th June 1539, for services the Cardinal had already done, and which he might afterwards do, to his Majesty, allowing his heirs to succeed to his estate in France, although the said heirs should be born and live within the kingdom of Scotland, and though they should have no particular letter or act of naturalization in France. And this new grant, that King says, is in consequence of a former one in November 1537, by which the Abbot was allowed to hold benefices, acquire lands, nobility, &c. as a native of France. Thus it is certain that Mr Beaton was raised to the dignity both of Bishop and Cardinal, by the means of the King of France. But the Cardinal, knowing that his uncle, the Archbishop of St Andrews, could not live many years, by reason of old age, and that the King's favour to both might make him hope to become his uncle's successor, he determined to return to Scotland, where, soon after his arrival, he obtained an entire management of his uncle's Diocese and Primacy, having been made Coadjutor of the Archbishopric of St Andrews; and being recommended by his uncle to the King sometime before his decease, the King agreed, and his nomination to that Primacy was confirmed by the Pope. Upon

the death of King James, the Cardinal was proclaimed principal Administrator of the kingdom ; but in a few days he was forced to quit that office to the Earl of Arran, by whom the Cardinal was sometime after shut up in prison, for his vigorous adherence to the French interest against that of England, in the disposal of our infant Queen. Yet he managed matters so, that in a few months he not only got out of prison, but gained an entire command of that Earl, turning him from the English to the French alliance ; was by his Lordship made Chancellor of the kingdom ; and prevailed with him so far as to solicit at Rome for his being made Vicar, or Legate à *Latere*,¹ for the Pope in the kingdom of Scotland, as an additional lustre to his former dignities.

After this account of our Cardinal,² I suppose I need say little concerning the qualifications of his mind. He was undoubtedly a man of great parts and dexterity. It were to be wished, the same praise could be given him with respect to his morals. Mrs Marion Ogilvy, a daughter of the predecessor of the Earls of Airlie, bare him several children ; some of whose descendants, both of the male and female line, are known to be persons of good note in our country to this day.³ As several of our Nobility found it their temporal

¹ The original Bull, constituting him Legate à *Latere*, is to be seen in the Appendix of Bishop Burnet's 2d volume of the History of the Reformation. It bears date 30th January 1543, but this seems to be a mistake in the transcriber or printer for 1544, for I do not remember that by the Roman account the year did commence at any other time than the first of January. That it was in the year 1544, appears not only by the addition of *Pontificatus nostri anno decimo*, that Pope being created 12th October 1534, but also by a letter of the Earl of Arran to the same Pope, dated at Stirling 30th March 1544, wherein he takes notice that that jurisdiction was granted the 1st of February, which doubtless was the February immediately preceding.

² We had never but one other Cardinal in this kingdom, viz. Walter Wardlaw, Bishop of Glasgow, a worthy Prelate in the reign of King Robert II.

³ [This lady, who was the mother of Margaret Beaton, whom the Cardinal married to the eldest son of the Earl of Crawford, as stated in a preceding note, is generally alleged to have been the daughter of Sir James Ogilvy of Airlie, created Lord Ogilvy in 1491, by his second wife Lady Mary Douglas, daughter of Archibald fifth Earl of Angus. Although Bishop Keith censures the Cardinal's morals, it is only fair to notice that some have contended that he was married before he entered into holy orders, and that his children were consequently born in lawful wedlock ; but this is not supported by legal evidence. On the contrary, in all the documents in which his sons and daughters are mentioned, they are expressly

interest, as much as their spiritual, to sway with the new opinions as to religious matters ; so the Cardinal found it his interest to bear down the same with all his might. For this purpose he, in all his administration, both ecclesiastic and secular, treated the preachers and their abettors with great severity ; that being, as he thought, the surest method to suppress the growing evil. And what might have proved to be the issue of such procedure, had he enjoyed his life for any considerable time, I shall not pretend to judge. Only this seems to be certain, that by his death the reins of the Government were much loosened, and some persons came to be considerable soon after, who probably, if he had lived, had never got the opportunity to perpetrate such villanies, under the cloak of religion, as it is certain they did, he being at least no less a statesman than a clergyman.¹

designated *natural*, or illegitimate. The traditions of the district stoutly assert the Cardinal's irregularities. "The name of Cardinal Beaton," says Mr Chambers in his *Picture of Scotland*, vol. ii. p. 234, "is associated in a way not very flattering to his memory with many of the old towers in Angus [Forfarshire.] He is well known to have had six illegitimate daughters, besides sons, almost all by different mothers ; but the number of his mistresses would appear to have been perfectly enormous, if we could trust the peasantry, who point out almost half the castles in the county as the residence of those various gentlewomen. It would appear that the Cardinal, according, no doubt, to the spirit of the times, concerned himself very little about the concealment of these breaches of decorum, since in 1545 he passed to Finhaven, and there, in a style of the most ostentatious magnificence, married one of his daughters to the Master of Crawford." Three of the Cardinal's sons were legitimated, according to the Scottish law, during his lifetime. These were James, Alexander, and John Beaton, and in the act of legitimation they are styled the "*natural sons of the right reverend*," &c. Alexander Beaton entered the Church, and was appointed Official of Lothian, but it is singular that he afterwards became a Protestant. His descendants, and those of his brothers, are in the county of Fife at the present time."—E.]

¹ [Cardinal Beaton was one of the greatest men that Scotland ever produced, and he was certainly the most distinguished person of his time in the kingdom. He possessed the highest abilities, great eloquence, and was of a remarkably dignified, elegant, and winning appearance. It is worthy of notice that scarcely one of the perpetrators of the barbarous and bloody murder of the Cardinal died a natural death, and the people loudly condemned it, for the Cardinal was popular with them. Norman Leslie, the only one of them who evinced signs of repentance, and who, according to Bishop Lesley of Ross, endeavoured to make all the reparation he could to the Cardinal's family, was killed in France. Kirkaldy of Grange was hanged at Edinburgh, and the deaths of the other three were equally violent.—E.]

CHAPTER V.

CONTAINING AFFAIRS OF STATE FROM THE DESCENT MADE BY THE ENGLISH NAVY, ANNO 1544, UNTIL THE ADVANCEMENT OF THE QUEEN-MOTHER TO BE REGENT OF THE KINGDOM, ANNO 1554.

IN the preceding chapter of State Affairs, I have shewn how the treaties depending with England had been annulled ; and as it was natural for the Government of Scotland to look for new resentments from the King of England, considering what he had practised during the course of these treaties, or rather after they had been concluded, so it was necessary our Government should provide all they could to make head against such designs. In consideration of which, despatches were sent during the winter season, and in the spring following, requesting succours from the Pope, the Kings of France and Denmark ; nor did the Government omit to endeavour an amicable composure of affairs with the King of England, by offering a new treaty. But notwithstanding all their precautions, they were anticipated by the fury of that King, whose armies, both by sea and land, were ordered to invade Scotland betimes in the year. To this purpose Edward Seymour Earl of Hertford, afterwards Duke of Somerset, and uncle to the Prince of Wales,¹ was constituted Lieutenant-General of the North, and appointed to conduct the land forces, consisting of 10,000 men,² to be embarked aboard a navy of 200 ships, lying at Tynemouth, and commanded by Dudley Lord L'Isle,³ then Lord Admiral of England. This

¹ [Afterwards Edward VI. The Protector Somerset, by which title he was subsequently known, was Sir Edward Seymour, elevated to the Peerage as Baron Beauchamp in 1536, created Earl of Hertford in 1537, and Duke of Somerset in 1547. In the same year he was appointed Protector and Governor of the King and his Realm of England. After reaching the summit of his ambition, and swaying his nephew's sceptre for two years with unlimited authority during his minority, he was brought to the block, and beheaded on the 22d of January 1552, by the influence of Dudley Earl of Warwick and Duke of Northumberland, one of his most influential councillors.—E.]

² Some of our historians say they were near 20,000.

³ [John Dudley, Lord L'Isle, was the Earl of Warwick and Duke of

fleet appeared in the Frith of Edinburgh on Saturday the 3d day of May 1544; and having landed the army a little above Leith, they began to commit hostilities in that town. Hereupon the Governor sent Sir Adam Otterburn,¹ Provost of Edinburgh, to enquire the reason of such threats and hostilities without a previous declaration of war, and to offer a treaty for a friendly composing of differences. The General made answer—That his commission extended to the burning and laying waste the country, unless the Governor would deliver the young Queen to his master.² To this the Provost replied—That the Scots were resolved to endure the last extremity, rather than yield to so unjust a demand. After this, the Governor, finding himself in no condition to make resistance against so great a force, retired to Linlithgow; and the English, after having landed their ordnance, &c., and being joined at Leith with 4000, our historians say 6000, horse from Berwick, under the conduct of the Lord Evers, came up to Edinburgh, but were repulsed at the east gate called the Netherbow, on which they retired to Leith. That night the inhabitants left the city, and next

Northumberland mentioned at the end of the preceding note. He was the son of Edmund Dudley, well known, with his colleague Richard Empson, as the rapacious minister of Henry VII. Edmund Dudley and Richard Empson became so odious to the English nation that they were both beheaded on Tower Hill on the 17th of August 1510. John Dudley, his eldest son, was restored to the forfeited honours by Act of Parliament in the following year. In 1542 he was elevated to the Peerage by the ancient title enjoyed by the family of his mother, Elizabeth Grey, daughter of Edward, first Viscount L'Isle, by Elizabeth, daughter of John Talbot, Viscount L'Isle, and was created Viscount L'Isle, and in the same year he was constituted Lord Admiral of England for life. In this office he acted most efficiently against both France and Scotland. At the accession of Edward VI. he was created Earl of Warwick, and six years afterwards Duke of Northumberland. His fate was similar to that of his patron the Protector Somerset, and he was forfeited, attainted, and beheaded on Tower Hill for high treason on the 22d of August 1553, with his fourth son Lord Guildford Dudley, who married the equally unfortunate Lady Jane Grey, daughter of Henry Duke of Suffolk, by Mary, Queen Dowager of France, and sister of Henry VIII.—E.]

¹ [See the note, p. 41, 42, of the present volume.—E.]

² I suppose this may be all the ground that Mr Buchanan has for affirming that King Henry sent letters into Scotland full of just complaints, before he sent his fleet and army. No other author that I know makes mention of these letters. But we are sure that a letter was sent by the Earl of Arran to that King, entreating an accommodation, which see in the Appendix, Number VIII.

day the English advanced again, and broke open the ports with their cannon, and began to raise a battery against the Castle; but Hamilton, Laird of Stenhouse, Captain of the Castle, plied them so close with his great guns, that he soon dismounted their battery, killed many men, and forced them to quit their enterprize: whereupon they set themselves to the burning of the city, which lasted three days. Meantime the Governor, the Cardinal, the Earls of Huntly, Argyll, Bothwell, Moray, and others, did all they could to get together an army; and that all party differences might be buried in a national preservation, the Earl of Angus, his brother Sir George Douglas, the Lord Maxwell, and the Lord Kilmaurs, eldest son to the Earl of Glencairn,¹ then in custody, were all set at liberty. The English, after they had thus burnt Edinburgh, and the Palace of Holyroodhouse, retired, and remained at Leith, spoiling the country for seven miles round, and making pillage of every thing they could carry to their ships. After which finding that an army was a-coming against them, they first set fire to Leith on the 13th of May, then re-embarked so many of their forces as they thought proper, and on the 15th set sail and were gone, taking along with them two large ships, the Salamander and Unicorn, which Mr Stow says were of *notable fairness*, besides other merchant ships from the harbour of Leith; and as they sailed by the coast, they took out of every creek or haven all the ships and boats they found in them. Nor was the land army less cruel and covetous in their march to Berwick, burning and pillaging Seton, Haddington, Dunbar, and other smaller villages on the road, “in a crueller manner,” says Lord Herbert, “than became such as would obtain the favour either of that Queen or country for their young Prince.” Aboard this fleet the Earl of Lennox sailed into England, as hath been already observed.

This expedition, *thus gloriously ended*, says the last mentioned Noble historian, one would think ironically, the King of England found his main design nothing advanced. He had done too much for a suitor, and too little for a conqueror. However, it seems that King pleased himself with this reflection—That seeing he could not *obtain*, he would study to

¹ [Alexander fifth Earl of Glencairn, then Lord Kilmaurs, is the person mentioned. See the note, p. 88 of the present volume.—E.]

chastise; and if such violent measures did not procure a wife to his son, he would at least strive to add a conquest to his kingdom; which that he hoped, is plain from the treaty of marriage mentioned before, betwixt him and the Earl of Lennox, for his niece, dated June the 26th this year, wherein he stipulates to constitute the said Earl Governor of Scotland for the King of England, after he shall become master of that kingdom. And it was in view of such a conquest, that soon after this treaty, and the consummation of the marriage, the foresaid Earl was sent, with eighteen ships,¹ and about 600 men, into the Frith of Clyde, for securing to that king the Castle of Dunbarton, then kept for the Earl by George Stirling; for recovering what other places pertained to himself in those parts; and for harassing and intimidating this kingdom all they were able. Mr Stirling at first received the Earl very joyfully, but how soon he understood his design of betraying his country into the hands of a foreign Power, he obliged his Lordship, and the Englishmen that landed with him, to return to their ships. After this repulse, the Earl of Lennox sailed back into England, having in his passage hither, according to Holinshed, burnt and destroyed several places along the west coast, and likewise in his return skirmished much with the Earl of Argyll, who endeavoured to stop his ships in the narrow part of the Frith. And that he pillaged and burnt the country, and havocked the Isles of Bute and Arran, is sufficiently documented by the tenor of the forfeiture passed against him in Parliament, 1st October 1545.² These things fell out in the month of August 1545.

The King of England had crossed the seas, and landed at Bologne in France, in the month of July; and thither the Governor of Scotland, considering the many inroads the English made upon our Borders, had sent Sir George Meldrum of Fyvie in Aberdeenshire, ambassador to that King, to demand a truce, until such time as commissaries from both kingdoms could meet on the Borders in order to settle their matters. To this King Henry consented, and granted

¹ Epist. Reg. Scot. vol. ii. p. 218.

² [The process or summons of treason against Matthew Earl of Lennox was brought before the Parliament held at Edinburgh on the 2d of September 1545. The Parliament was adjourned to Linlithgow, where it met on the 28th of that month. On the 1st of October three Acts were passed affecting the Earl of Lennox.—Acta Parl. Scot. folio, vol. ii. p. 452, 456.—E.]

a truce ; but notwithstanding thereof, after his return into England in the month of October following, he sent the Earl of Lennox, the Lord Dacres, and Sir Thomas Wharton, with forces into Scotland ; who carried all before them, and drove away much plunder without resistance. These successes so puffed up the English, that some of their principal men made a second inroad into Scotland during the winter, to the no small desolation of our southern provinces. This still emboldened them more and more, so that, in the spring following the same persons made us a third visit ; at which time they found to their cost, success is not always to be relied upon ; for now the Governor, the Earl of Angus, and others of the Nobility, being gathered together, with about 6 or 800 men, entirely routed the English, to the number of at least 5000, at Ancrum,¹ on the 17th day of February 1544-5, with the loss only of two or three private men. But Bishop Lesley says, that our soldiers were much too cruel against the English in their flight ; so as he takes notice, after that day we had never any tolerable success.

About the middle of the month of May 1545, or thereby,²

¹ [The battle of Ancrum was fought in the parish so called, in the county of Roxburgh, near Jedburgh, about a mile and a half north of the village of Ancrum, on Ancrum Moor. The English were commanded by Sir Brian Laton and Sir Ralph Evers, and the Scots by the Earl of Angus, known by the soubriquet of *Bell-the-Cat*. It is traditionally said that the Scots, almost overpowered by the English, who were far superior in numbers, were about to give way, when they were rallied by a young female named Lilliard, who is supposed to have followed her lover into the battle, and fell covered with wounds and dreadfully mutilated. A stone commemorated this event on Ancrum Muir, on which was recorded a doggrel inscription in rhyme, that “under it was buried the fair maiden Lilliard,” who “upon the English loons had laid many thumps,” and “when her legs were cut off she fought upon her stumps.” This stone, which had almost disappeared by the depredations of relic-hunters, is now replaced by a new one. The people hold the spot where the “fair maiden Lilliard” is supposed to be interred, in great veneration.—E.]

² Though our historians, both Scottish and English, differ widely concerning the time of this gentleman’s arrival, yet it must have been at the time I here assign, because the Act of Council here mentioned takes notice of him as being *laitlie arrivit with his cumpany*. See the Act in vol. ii. Epist. Reg. Scot.—[On whatever day Captain Lorge Montgomery arrived, we know that he was at Stirling when the Convention of Estates was held there on the 26th of June 1545. On that day an Act was passed “anent the proposition made by Monsieur Lorge sent from the King of France with ane support of men of war for the defence of the realm ;” and on the 28th of June was passed an “Act anent Monsieur Lorge, and appointing the form and manner of the war.”—Acta Parl. Scot. folio, vol. ii. p. 594, 596.—E.]

arrived in Scotland Captain Lorge Montgomery, Knight of the Order of St Michael, with about 3500 men from the King of France, as a supply to support us against the prevailing power of England. Soon after whose arrival, viz. 7th June, the Lord Governor and Council ordained letters to be directed to all Prelates, Earls, Lords, and great Barons of the realm, to assemble at Edinburgh on the 23d of the same month for their advice and counsel. And on the 28th of the same month, the Lord Governor and Lords of Council ordain letters to be directed to all sheriffs, &c. by open proclamation to command and charge all the lieges, between sixty and sixteen, to convene at the moor of Roslin on the 28th of July,¹ in order to pass forward with my Lord Governor to the Borders, for defence of the realm, and resisting of our *auld inymyis of England*.² In compliance with this Act an army of 15,000 Scots, as our Historians say, marched together with the French auxiliaries to the Borders of England, but I find no material thing performed by them. After that this army had broken up, and had returned home, the Earl of Hertford gathered together about 12,000 men, and entered Scotland, and did great mischief in our Borders as far as the Merse and Teviotdale, and then retired. In the beginning of the winter Mons. de Lorge returned into France; and the Parliament of Scotland being met at Linlithgow, and taking under their consideration the lamentable condition of the Borders, did, on the 2d day of October, appoint 1000 horsemen to be hired for lying there during the remaining part of winter, after the 15th day of that month, to secure the inhabitants of those countries and their goods from the incursions of the English; and the Parliament ordered the sum of L.16,000 to be levied from the Spiritual and Temporal Estates, and the Burghs, according to the old taxation, for the maintenance of the said horsemen;³ which precaution, as far as I can perceive, put a stop to the Border depredations for that year.

¹ [This act is signed—MARIE R., JAMES G[UBERNATOR] D[OMINUS] CARDINALIS CANCELLARIUS, ARCHD. ERLE OF ANGUS, G. ERL OF HUNTLEY, A. ERLE OF ERGYLL, ERLE BOTHWEL, ROTHESSE. Acta Parl. Scot. folio, vol. ii. p. 596.—E.]

² Records of Parliament and Council.—[Acta Parl. Scot. Appendix, vol. ii. p. 595, 596.—E.]

³ Ibid.—[Acta Parl. Scot. vol. ii. p. 460. On the 3d of October collectors

Before I enter upon the new scene of affairs which the next summer presents us with, it is proper to take a view of what other things fell out in the State, during the preceding space. The Queen-Mother had still retained in her mind a grudge against the Governor, and therefore she, with some Lords of her faction, having the young Queen in their hands at Stirling, caused proclaim a Parliament to be holden in that town the 12th of November 1544, in the meantime suspending the Governor from the administration of his office, and summoning him to appear before them. The consequence of which was, that in the Parliament¹ holden at Edinburgh by the Governor in the said month of November 1544, there is an act dated the 7th day thereof, declaring the pretended Parliament at Stirling to be null, and of none avail, force, or effect, and all persons are prohibited to concur with the same, under pain of treason. And on the morrow the Earls Marischal and Montrose, the Lords Seton and Sempill, and Sir James Lermouth of Balcomie, are sent to Stirling by the Governor, at the request of the Parliament, to notify to the Queen-Mother and Lords with her what had passed in Parliament, and to endeavour an agreement, according to the instructions to be given them; and in case the Queen and Noblemen with her shall not think fit to come into measures of concord, then the Parliament immediately declared that they will stand by the Governor, and defend him in his authority to the utmost of their power:

were appointed to receive the tax; on the 4th a "Band by the Lords and other gentlemen of the Merse and Teviotdale for resisting to thieves and robbers" was ratified; and on the 5th were passed "Acts anent the dividing, laying, and ordering, of the horsemen upon the Borders," and "anent the inbringing of the tax." Acta Parl. Scot. vol. ii. p. 460, 461, 462, 463.—E.]

¹ The *Brief Account* at the end of Sadler's Letters makes but 35 members to be present in this Parliament, whereas there are 38 marked in the Rolls. I suppose the author observed this, to shew the small number of members present in the Parliament at this time; but certainly, whoever shall inspect the Rolls of Parliament, will not find the difference to be very great, considering also that there must have been some Lords with the Queen at Stirling.—[The names of thirty-nine persons, including the Regent Arran, appear on the roll as present in this Parliament, which was held at Edinburgh on the 6th of November 1544. It was attended by the Cardinal and the Bishop of Galloway, and seven Abbots and Priors, four Officials of State, two Earls, six Barons, four of the eldest sons of Earls, three of the minor Barons, and eight Provosts of as many cities and towns. Acta Parl. Scot. folio, vol. ii. p. 445, 446.—E.]

and moreover, the same day they passed another Act, which was instantly proclaimed at the Cross of Edinburgh, summoning all persons presently within that city, or that shall happen to come into it, and all *manner of man* that dwells within the Sherifffdom of Lothian, to meet the Lord Governor at that city on Monday the 10th of the said month, with four days victuals, to pass forward with his Grace, under the pain of loss of life, land, and goods.¹ These vigorous resolutions having been communicated by the foresaid Lords Commissioners to the Queen-Mother, had probably the effect which the Parliament designed, since we hear no more of these matters.

I now proceed to the history of the year 1546, which, as I have before hinted, opened a new scene of affairs in this kingdom by the inhumane murder of Cardinal Beaton. Whether any such thing had been whispered about upon the apprehending of Mr Wishart, or that the Government was only suspicious of new troubles from England, I offer not to guess. But upon perusal of the Public Records, I find the Parliament, on the 4th day of February preceding the murder, to be adjourned in the following particular manner, viz.

“ The quhilk day, forsameikle as it is understood to my Lord Governor and three Estates of Parliament, that there is divers great matters occurrand and may occur, and the decision thereof cannot be guidlie treated but in face of Parliament, because it is uncertain when sic besynes shall happen: therefore it is thought expedient by my said Lord Governor and three Estates foresaid, that this present Parliament run still over but² any particular continuation, aye and while the same be dissolved by my said Lord Governor, conform to the acts made thereupon of before.”

Some persons have affirmed to me, that there are papers to be seen in the Tower of London which can serve to instruct, that some of those concerned in this murder were set on and bribed to it by the Court of England;³ and the

¹ Records of Parliament, and Epist. Reg. Scot. vol. ii. p. 316.—[Acta Parl. Scot. folio, vol. ii. p. 448.—E.]

² [Without.—E.]

³ [All this is now completely proved. See Tytler's History of Scotland, and other Works.—E.]

Prefacer to the History of the Campaigns 1548 and 1549 says,¹ that this is made out by two original letters yet extant. It is much to be wished he had informed us where to find them; or that such persons as are said to have recovered copies of them, would afford the world the satisfaction of seeing so remarkable a piece of history cleared up. Perhaps, indeed, several persons may be ready enough to give into the belief of such management by King Henry, who was not reckoned to have been over nice in matters of conscience; and especially when he was in such a chaff at the misgiving of his projects upon this kingdom by means of the Cardinal, that he advertised Mr Sadler to attempt the getting into his hands, and sending prisoners into England, the Cardinal, the Lord Governor, and the young Queen. But though we can say nothing particularly as to the matter in hand, yet of this we are certain, that no sooner was the murder committed, but a close correspondence was settled betwixt that Court and the murderers; notwithstanding that in a treaty of peace betwixt the Kings of France and England, concluded the 7th of June that year, in the open field near the village of Campenston in the neighbourhood of the town of Ardres in Picardy, the Scottish nation is comprehended;² the King of England obliging himself not to wage war against us, unless new occasion be given him. Thirty days were allowed to the King of France to make notification of this Peace and Comprehension to the Government of Scotland. And on the 14th of August thereafter, there is an Act of our Parliament, accepting of the said Comprehension; and the peace betwixt the two nations was proclaimed through all the Borders of this realm. But it seems the King of England altered³ his mind, after his hearing of the Cardinal's death;

¹ [This reference is to a note in the Preface, p. xlix. to Dr Abercromby's translation of Monsieur Beague's "History of the Campaigns 1548 and 1549, between the Scots and French on the one side, and the English and their Foreign Auxiliaries on the other," Edinburgh, 8vo. 1707.—E.]

² *Fœdera Angliæ*.—[Rymer's *Fœdera*, folio, 1713, vol. xv. p. 98.—E.]

³ Or rather it is certain that King Henry had never any real will to grant any such Comprehension, though it seems the necessity of his affairs and the peremptoriness of the Court of France, obliged him to accept of it as an article of the Peace. For in a letter to his ambassadors sometime before the concluding of the peace, we find him expressing himself in the following manner:—"And touching the Comprehension of the Scots, our pleasure is that you shall travell as earnestly as you may, to have this

for the same day that the Act of Acceptance was past in our Parliament, we find in the Registers, Instructions to be sent to the ambassador of France, then at the Court of England, desiring him to complain that the wardens for that crown upon the Borders had made proclamation of an abstinence from war during the King of England's pleasure only; as also, that even after the said proclamation, divers incursions had been made within this realm by Englishmen. Likewise the foresaid French ambassador is requested to desire the King of England, that he will not suffer any traitors of the realm of Scotland, and especially the murderers of Cardinal Beaton, to be received, maintained, helped, nor supplied within his realm. Instructions to the same purpose were drawn up, and given to our ambassadors who were to be sent sometime after this to the King of France. And because our Government had certain advertisement that the King of England intended to send an army into Scotland in the month of February following, our said ambassadors had it in their Instructions, to press the King of France to send us assistance of men, money, arms, and engines, before the 15th of that month. I lay these things together, only to show by authentic documents, what the behaviour of the King of England was towards our nation in a time of peace, then in much perplexity by the murder of Cardinal Beaton, who though he was not the Governor of the kingdom, yet undoubtedly had in his hands the direction of all our principal affairs. And because his death did bring upon the State much disturbance, both from the abettors of it at

Truex concluded, without any comprehension of them, whom we wold most gladely, and think it necessary, to be left out; for without that this Truex, serving the French King to many purposes, should be to us every way overmuch prejudicial; and therfor lykas we for our parte can be pleased to conclude this Truex generally with them, without comprehension of any States or Princes, so we think it reason that they shall conclude with us after the like sorte, for it hath not ben seen in any Treaty of Truex that we have made with any Prince in all our tyme, that any other Prince hath byn comprehended.

“And further, you may also declare to th' Ambassadors, as wel French as of the Protestants, how that by such Treaties of Amitie as be betwene us and our good brother th' Emperor, we may not in any wise comprehend the Scots in this or any other Treaty of Truex or Peace.”—*Fœdera Angliæ*. An original.—[*Rymer's Fœdera*, folio, 1713, vol. xv. p. 82, 83. *Acta Parl. Scot.* folio, vol. ii. p. 465. This order was, however, ratified on the 15th of March, and not on the 14th, as stated by Bishop Keith.—E.]

home, and from the King and Government of England, it will be necessary here to narrate distinctly what fell out in this kingdom, after the commission of that inhumane barbarity.

Immediately after the murder, the perpetrators thereof shut up the gates of the castle of St Andrews, being resolved to make the best of it against the Government; and that odious fact being noised abroad, several of those that affected a different way of worship from the Cardinal, repaired thither, and entered the castle, to the number of about 140 persons, being determined to venture their lives in the quarrel. The first thing the Court set about was to make a new Chancellor in place of the deceased; and the choice fell upon the Earl of Huntly, *quha*, as the Register of Council bears, *acceptit the said office in and apoun him*.¹ And the same day, being the 10th of June, the Great Seal was appended by the new Chancellor at Stirling to a summons of treason served against the murderers,² citing them to

¹ By this the reader will observe a mistake in the formerly mentioned author of the Brief Account, &c., who, p. 451, tells us—"That Cardinal Beaton came into the Chancellor's office in a very haughty manner, for both before and since that time, when any alteration was made in that high office, the Records bear such a person to have been made Chancellor, but such was the pride and ambition of the Cardinal, that it is entered in the Records of Parliament, that he accepted the office upon him at the desire of the Governor and the Estates." I hope this hath been only a mistake, and that this author had no sinister intention therein.—[George fourth Earl of Huntly, the successor of Cardinal Beaton as Lord Chancellor of Scotland, was one of the chief commanders at the battle of Pinkie, where he was taken prisoner. He was killed at the battle of Corrichie in 1562.—E.]

² The persons contained in the summons were these, viz.—Norman Leslie, Fear of Rothes, Peter Carmichael of Balmadie, James Kirkaldy of the Grange, William Kirkaldy, his eldest son, David Kirkaldy, his brother, John Kirkaldy, Patrick Kirkaldy, George Kirkaldy, brother to the said James Kirkaldy of the Grange, Thomas Kirkaldy his son, John Leslie of Parkhill, Alexander Inglis, James Melville, elder, John Melville, bastard son to the Laird of Raith, Alexander Melville, David Carmichael, Gilbert Geddes, younger, Robert Moncrieff, brother to the Laird of Tibbermello, William Simpson, Alexander Anderson, David Balfour, son to the Laird of Mountquhanny, Thomas Cuninghame, Nicol Hart, William Guthrie, John Sibbald, brother to the Laird of Cookstoun, Peter Carmichael, Walter Melville, younger, Sir John Auchinleck, chaplain, Nicol Lermonth, Sir John Young, chaplain, David Kirkaldy, cook, Ninian Cockburn, John Poll, gunner, William Orrock, John Rollock, and Andrew Tanzow.—[The name of "Sir" James Lyell, chaplain, is inserted, but was deleted. "Sir John Young's" case was removed to the Commissary of the Vicar-General of St Andrews at Edinburgh, at the instance of "Sir John Castellaw,"

compear before the Parliament on the 30th of July, within the city of Edinburgh. Next day, the Council issued out an order, discharging all persons to correspond with the murderers of the Cardinal, or furnish them with eatables or implements of war, under the pain of death, forfeiture, &c. On the 29th of July the Parliament met, and continued the summons of treason until the 4th of August following. Upon perusal of the Registers it appears, that Norman Leslie, James Kirkaldy, Peter Carmichael, and John Leslie, had offered to the Government and Estates of Parliament a confession of all things relating to the murder, and to deliver up the Governor's eldest son, whom they had found in the castle of St Andrews; as also the said Castle, upon condition that they have granted them a Remission under the Great Seal. To these offers the Governor and Estates gave ear, but the Archbishop of Glasgow protested that no remission should be allowed them, unless they first obtained an absolution from the Pope, for the murder committed by them. The Chancellor likewise protested, that in case the said Norman Leslie and his colleagues fulfilled not the articles promised by them, the Remission should be null in itself, and of no avail. It appears likewise from the Registers, that the foresaid persons began very early to flinch from these their proposals, notwithstanding that their remission was agreed to by the Governor and Estates; and, therefore, when the Parliament met again on the 14th of August, the Remission is ordered to be destroyed, and all the articles relating to that affair, if inserted in the Books of Parliament, to be *revin and tane furth thair of, swa that na memoir be of the samyn in tyme to cum*. Also the same 14th day the Parliament past another Act, excluding the Governor's eldest son—the Cardinal, it is said, had detained this gentleman as a pledge of his father's good inclinations—from all right of succession, either public or private, and substituting his other sons to the said succession, according to their age, so long as his eldest son shall be detained prisoner. The same day also the summons of treason against the murderers, after several continuations, being called, and none of the persons therein mentioned appear-

chaplain, and Commissary specially constituted by the said Vicar-General of St Andrews. Acta Parl. Scot. folio, vol. ii. p. 467, 468.—E.]

ing, they were all declared guilty of high treason, and their lands and goods forfeited, except Norman Leslie, whose doom was delayed till the 16th day of the month, perhaps some compliance having been expected from him, but was then pronounced against him. On the 11th June the Earl of Angus, who had already fought very valiantly against the English at Ancrum Moor, and the Earl of Cassillis, the Lord Maxwell, and Sir George Douglas, approved in Council the act of Parliament, December 1543, for dissolution of the treaties made with England, and discharged all bonds made by them to that King. On the 21st August, the Council ordains all fencible men, of whatever rank, within the Sherifffdoms of Lothian,¹ Haddington, Linlithgow, Stirling, Perth, Strathearn and Monteith,² to be at St Andrews, *weil bodin in feir of weir*, on the 29th of the same month of August, for commencing the siege of the Castle thereof.

The Governor assisted at the siege in person, and lay before the Castle till towards the end of December, but with very small success, the Castle being strong, and the passage to it open by sea, by which means the besieged received victuals and supply from the King of England, to whom they had obliged their faith for defending the Castle, maintaining the contract of marriage betwixt our Queen and his son, and for detaining the Governor's son their prisoner.³ Therefore the Governor, perceiving the improbability of gaining the Castle, even by way of famine, and the besieged shewing some desire of being restored to the peace, the Council took under their consideration the bad consequences that might accrue, if the besieged should yield up the Castle and the Governor's son to the English; and so consented to an act, on the 17th December, empowering the Governor to treat with the besieged, and to give and receive hostages for the mutual performance of what shall be stipulated in the future appointment. It was about a month after this, according to some of our historians, that the following articles were condescended upon, viz :

¹ [The county of Edinburgh, or Mid-Lothian.—E.]

² [Strathearn and Monteith are districts in the county of Perth which have long ceased to be legally or politically recognized.—E.]

³ *Fœdera Angliæ*.—[Rymer's *Fœdera*, folio, 1713, vol. xv. p. 131-134, 144, 145.—E.]

“ I. That the Government should procure unto the besieged a sufficient absolution from the Pope, for the slaughter of the Cardinal ; and that they should not be pursued by force until the said absolution be obtained.

II. That the besieged, nor any belonging to them, shall never be prosecuted at law for the slaughter aforesaid ; and that they shall enjoy all commodities, spiritual or temporal, as freely as if it had never been committed.

III. That the besieged shall give pledges for surrendering the Castle how soon the absolution is brought from Rome, and delivered unto them ; and that for surety of those pledges, the besieged shall in the meantime retain in their custody the Governor's son.”

It is confidently reported, and indeed seems to be true, that neither party had any real design to implement these articles ; but that they rather entered into them merely to protract time, until they should receive succours from their respective friends in France and England.

As the besieged, notwithstanding their pretences to a more pure worship, had during the siege lived in much debauchery within the Castle, so now, after they had got this respite, and were out of all fear of an enemy, they did not only make frequent excursions into the neighbouring parts, and commit depredations with fire and sword ; but, as if the liberty got by their arms were to be spent in whoredoms, adulteries, and such like vices, they ran into all the wickedness which idle persons are subject to, and they measured *right* and *wrong* by no other rule than their own lust. But much of their expected supply from England was frustrated by the decease of King Henry VIII., who died the 28th of January 1546-7 ; and Francis King of France died likewise on the 30th day of March thereafter.

About the beginning of the month of June, the absolution stipulated to those within the Castle arrived from Rome ; whereupon they were required to fulfil the capitulation. But they excepted against it, because of those words contained in it, viz.—*Remittimus crimen irremissibile*, i. e. *We pardon this unpardonable crime* ; “ for,” said they, “ if our crime is unpardonable, then we have no security by this absolution, since it is in itself null, if the crime committed by us cannot be pardoned.” It was answered—That the clause was insert-

ed only for aggravating the crime ; and that the absolution, notwithstanding thereof was sufficiently valid. However, the besieged would not be satisfied ; but complaining that promise was not kept to them, they resolved to stand to their defence ; in hopes, no doubt, that the succours, which they knew were preparing in England, would arrive in time for their support : for King Henry at his death had recommended the prosecution of the war with Scotland, and the counsellors of the young King Edward VI. were making vigorous preparations for it.

Of these transactions in England, and of their intention to invade this kingdom both by sea and land, and, as the Register bears, *to do na less nor thai may to subdew the samin*, our Government was fully apprised ; and, therefore, on the 19th March, the Council caused to be proclaimed through all the kingdom—That all the lieges be in readiness, on forty days warning, to come with victuals for one month, to whatever place shall be assigned for the rendezvous. And on the 25th of May, another order was emitted, for setting up fires, as beacons, on all the high hills from the coast towards Stirling, where the Court lay, how soon any fleet from England should appear ; and if the fleet happened first to be seen in the day time, that post-horses should be in readiness for advertising the Governor ; and that all fencible men, between sixty and sixteen, be charged at the market crosses of the towns of Dunbar, North Berwick, Haddington, Edinburgh, Linlithgow, Stirling, Lauder, Selkirk, and Peebles, to repair to the city of Edinburgh, *weil boddin in feir of weir*, at the first notice of the English ships, to assist the Governor in the defence of the realm, who on his part declares—*That he will wair his life thairupoun, with the help of God, the Noblemen and subjectis of the samin*. And that I may not be obliged to re-assume the consideration of this affair, but give the reader at once a view of the care of our Government against the preparations made by the English, on the 1st day of July, the Privy Council and most part of the Nobility being assembled, a proclamation was ordered out, commanding all the lieges throughout the kingdom, betwixt sixty and sixteen, to convene on the 1st of August, as they shall be charged and advertised at eight days warning.

All our historians agree, that the Governor had gone to

the Borders with a competent army, to drive the English from out the Castle of Langhope, pertaining to the Lord Maxwell, and from other places which they had formerly seized upon; and that while he was there, advertisement was brought him, in the end of June, that a French navy was arrived on the coast. The Governor hasted to St Andrews, where the navy had landed, consisting of sixteen galleys, commanded by Leon Strozzi,¹ Knight of Malta, Prior of Capua, and Captain-General of the Galleys of France. There, by their joint advice, the Castle was besieged. Mr Knox, who was in the Castle, informs us that the siege was not fully formed, both by sea and land, till the 23d of July, though immediately upon arrival of the ships, they began to fire against it by sea; and for the first three weeks he says those within the Castle had many prosperous chances. But their hopes and success soon dwindled into nothing, how soon the great battery began to play, which was early in the morning the 30th of that month, when such a breach was made in the wall that same day, being Saturday, as encouraged the besiegers to prepare for an assault; which, when the besieged perceived, they offered to treat, and rendered the Castle to the Prior of Capua, because they would not acknowledge any lawful magistrate within the kingdom being a native. What these men, or Mr Knox who relates it, could mean by their knowing *no lawful magistrates then in Scotland*, is no easy matter to guess, unless it be that a lawful magistrate falls from his office and right, whenever they are displeased with him. The conditions of surrender were these, viz :

“ I. That the lives of all within the Castle shall be saved.

“ II. That their persons shall be transported into France.

¹ Though Lesley calls him Peter, yet his Christian name was certainly Leon, for I have seen an old French copy of the circumnavigation of the coasts and isles of our kingdom performed by King James V., which was published first at Paris, in French, about the year, as I remember, 1586, by one Arfeville, chief Cosmographer to the French King; and in his Preface he tells how that he sailed in this fleet, commanded by Leon Strozzi, Prior of Capua, and Captain-General of the Galleys of France. The fleet, he says, consisted of 16 galleys, and other forces: and he adds, that the besieged beat a parly immediately after a breach was made in the wall, and before the assault was given. There was another Peter Strozzi in the army commanded by Mons. de Dessé, 1548 and 9.

“ III. That if they like not the entertainment they shall meet with in France, in that case they shall be conveyed at the expence of that King into any other country they please, Scotland only excepted.”

By this surrender of the Castle of St Andrews the Governor received his son; and the French galleys having got much spoil within the Castle, where all the late Cardinal's treasure was lying, put to sea again four or five days after, and the Castle was by Act of Council demolished. Some of the prisoners were kept all the winter following in the galleys; of which number was Mr John Knox, who tells us, that in July 1550 all the prisoners were released by the intervention of the Queen Dowager.

In the beginning of September the Duke of Somerset, Treasurer, Earl Marshal, Lieutenant-General, and Lord Protector of England in the minority of Edward VI., and that King's uncle, entered Scotland with a well appointed army of about 18,000 men, whilst a fleet of about sixty sail of ships arrived also on our coast about the same time, one half of which were ships of war, the rest were filled with stores, ammunition, and victuals. At his advance he found the Scottish army very numerous, and well prepared to receive him; upon which account, we are told, that before the ensuing unhappy battle was fought, he¹ wrote a letter to the Governor of Scotland, in which he declared his earnest desire to have matters amicably accommodated, and for that end consented that our Queen should remain within Scotland until she were fit for marriage; and further declared, that provided the Scots would agree to this, he would presently withdraw his forces, and compensate all the damages he had done since he came into Scotland, as they should be valued by indifferent persons. But the Governor, as it is said, communicated these letters only to his brother, formerly Abbot of Paisley, but now Archbishop of St Andrews, and two or three other favourites, who all advised him to suppress the same, and to give out that they contained only threatenings from the English to take away the Queen by force, and to reduce the country by arms to their own sub-

¹ He refused to decide the quarrel by a single combat offered him by the Earl of Huntly at this time.

jection. The two armies did for some time lie facing one another; the English near to the town of Prestonpans, otherwise called Salt-Preston, six miles east of Edinburgh,¹ and the Scots about Musselburgh, Inveresk, and Monkton-Hall, four miles distant from that city. At which last place, on the 8th of September, an Act of Parliament was made, which provides the nearest of kin of any Kirkman that shall happen to die in the public cause at that time, to have liberty of conferring the benefice of the deceased upon his nearest relation that shall be found most qualified to discharge the office. It was then also enacted, that the heirs of any persons that shall happen to die in defence of their country, shall have their *ward*,² *non-entresse*, *relief* and *marriage*, free; as also, that the heirs of any persons whatsoever so dying, shall have their own *ward*, &c. free, and that their wives, bairns, &c. shall bruik, i. e. enjoy, their tacks, possessions, &c. as well of kirk lands as of temporal men's lands, for five years, without any gratification to the landlord, except the mails and duties used and wont.

After several skirmishings for a day or two with various success, the Scots, perceiving a movement in the English army, whose historians affirm that they were only advancing to a more commodious piece of ground, whereas ours say that they designed to retire home for want of provisions, most unfortunately crossed the Water of Esk; and after some small success, too inconsiderately following the pursuit, engaged unawares with the whole body of the English army, and were utterly routed on the rising ground on the east side of that river, toward Preston, opposite to Musselburgh, the English ships doing them much mischief all along on their flank, as they marched to the field of battle. This battle of Pinkie, so called from a fine country seat³ on the

¹ [Scottish miles are intimated. The village of Prestonpans is nine English miles east from Edinburgh, and the battle-field of Pinkie is six miles from Edinburgh, being part of the enclosures behind Pinkie House. See Tytler's History of Scotland, vol. vi.—E.]

² These are certain duties payable to the King, or other superiors of lands, by the Law of Scotland.

³ [Pinkie House, Hope, Bart. It is situated on the south-eastern entrance to Musselburgh, and consists of two sides of a quadrangle, with a stately massive tower, formerly a residence of the Abbots of Dunfermline, afterwards of the Setons Earls of Dunfermline, and of the Marquisses of Tweeddale.—E.]

east side of Esk, was fought on Saturday the 10th of September, in which the Scots lost above 8,000 men, some say near double that number, and among those sundry of the Nobility¹ and gentry. Many prisoners were also taken, of which number was the Earl of Huntly, Chancellor of the kingdom, who commanded the rear of the army. After the battle was over, the English advanced, and took the town of Leith, which they pillaged and burned; and they made an attempt on Edinburgh, but in vain. Their fleet likewise seized upon some small islands, or rather rocks, in the river Forth, and on the Castle of Broughty at the mouth of the river Tay, and on what shipping they could meet with in the several creeks and harbours. They also set fire to Kinghorn, and some other towns and villages on the coast of the Frith. However, they made no long stay in the country, but departed homeward about the 18th of the same month.

The Governor, and such of the Scottish Nobility as had escaped safe from the battle, went soon after to wait upon the two Queens at Stirling, where the Governor, in a very elegant and bold speech, declared his mind for continuing the war, rather than surrender the young Queen their sovereign, their rights and privileges, to the ambitious desires of their haughty enemies. The rest of the Nobility that were present applauded what he had said, and talked of nothing but of means for prosecuting the war. They determined to send the young Queen speedily to the Castle of Dunbarton, under the custody of the Lords Erskine and Livingston; and in the meantime, to advertise Henry King of France how matters went in Scotland, and to entreat of him a timeous supply both of men and money. Our ambassadors had it also in Commission to signify to that King the desire of the Estates, that their young Queen might retire into France till time should ripen her for a husband, with plain insinuations that his son the Dauphin should be the bridegroom. This was no doubt a piece of welcome news to the King of France; who sent over Monsieur de Dessé, with 5 or as others say, 6,000 men under his command. They arrived about the middle of June 1548. This General, and his suc-

¹ The Noble persons that were killed in this battle, were the Lord Fleming, the Master of Montrose, the Master of Erskine, the Master of Methven, the Master of Ogilvy, the Master of Livingston, the Master of Ross, &c.

cessor Monsieur de Thermes, performed many brave actions during their stay here ; but because it is not our design to enter far into the detail of these things, we therefore refer the reader to the book, intituled, *The History of the Campaignes 1548 and 1549*. I only beg leave to desire the reader to observe the difference betwixt that author's narrative of the unfortunate accident wherein the Provost of Edinburgh¹ was killed, and the accounts thereof as published by Mr Knox and Mr Buchanan ; as also, how differently the story is told even by these two gentlemen themselves, and he will soon be able to judge whether there is any partiality in these historians.

The Protector of England, and the Privy Council of that kingdom, finding they could not, by the force of war, bring the Scots to yield their young Queen in marriage to their King Edward, resolved to alter their manner of wooing ;² and for that purpose a long declaration was emitted,³ dated the 5th February 1547-8, wherein they would try, if by fair means they could gain a consent to the match. But that also not taking effect, the Lord Grey of England entered Scotland the 18th of April following, where he took and fortified the town of Haddington with a strong garrison. This the Governor, with the assistance of the French troops, immediately after their arrival, endeavoured to recover ; and because a great many of the Nobility, &c. were there present with the Governor, he then, in the Abbey of Haddington, held a Parliament⁴ the 7th day of July 1548, and therein renewed the consultation concerning the course to be taken with the person of the young Queen. The Queen Dowager, the French Ambassador and General,⁵ who were both there

¹ This was James Hamilton of Stenhouse, Captain also of the Castle of Edinburgh, whose father or grandfather was a bastard of the Family of Hamilton. Vide Registers of Charters.

² The Earl of Huntly having been asked, after he was made prisoner, what he thought of the match betwixt our Queen and the King of England, or some such question to that purpose, made answer, that however he might like the match, he did not like the manner of wooing.

³ This paper is to be seen at full length in Grafton's Chronicle of England. It contains only a persuasive to the Scots to accomplish the marriage, as a thing most conducive to them.

⁴ It is expressly named a Parliament in the Acts of Parliament 1558.

⁵ The first was the Sieur d'Oysel, so I find his name written in the French King's letters which are recorded among the Registers of the Parliament 1558, and the second was Andrew de Montalambert Sieur d'Essé. So also is he designed in the same letters ; and it is from these

to advise, gave their opinion for sending the Queen into France, and marrying her to the Dauphin. But the Noblemen were not all of the same mind, for such of them as favoured a Reformation of Religion, as it was called, were for accepting the terms offered by the Court of England; while the Governor and the rest, who were the more numerous, gave their voices for the match with France.

Monsieur de Villegagnon had then four galleys lying in the harbour at Leith. With these he made a feint as if he would have sailed into France; but how soon he got out of sight of land, he tacked about to the North Seas, and sailed round the Isles till he came to Dunbarton. There the young Queen was delivered over to Monsieur de Breze, who had been sent by the French King to receive her; and with her went the Lords Erskine and Livingston, and, as Buchanan writes, her natural brother James, Prior of St Andrews, together with several young Noblemen and gentlemen, her natural aunt by the father the Lady Fleming, and four young virgins, all of the name of Mary, viz. Livingston, Fleming, Seton, and Beaton.

Meantime the war was carried on with England for the space of two years, the advantage for the most part inclining to the Scots side, till at last a general Peace was concluded in the fields near Bologne in Picardy, on the 24th day of March 1549-50, betwixt France and England; at which Congress, it is said Panter, Bishop of Ross, was plenipotentiary for the Crown of Scotland, but there is no mention of him in the copy of the treaty in Rymer.¹ By this Peace it is agreed—

“ That the Forts of Douglas (*I suppose it ought to be Dun-glass*)² and Lauder, built by the English, with all the cannon,

letters, and other papers in the same Registers, that I clearly perceive these two gentlemen were present in this Parliament holden in the convent near Haddington.—[The thanks of the Parliament were voted to Monsieur d'Oysel on the 1st of February 1551, for his services previous to his departure for France. Acta Parl. Scot. folio, vol. ii. p. 489.—E.]

¹ [Fœdera Angliæ, folio, vol. xv. p. 228, 229.—E.]

² [There can be no doubt that *Dun-glass Castle*, in the parish of Oldhamstocks, on the border of the county of Haddington, near the coast, seven miles beyond Dunbar, is the fort indicated. It was originally a stronghold of the Earls of Home, whose eldest sons still enjoy the title of Lord

&c. be delivered to the Scots, except the cannon that were brought from Haddington. But if these two forts be not in the hands of the English, in that event the King of England shall be obliged to demolish the towns and castles of Roxburgh and Eyemouth; nor shall it be lawful to the English, French, or Scots, to rebuild them.

“*Item*, Though the King of England shall restore Douglas and Lauder, yet he shall demolish Roxburgh and Eyemouth, provided the Queen of Scotland do the same with the Castles of Douglas and Lauder; in which case it shall not be lawful to the Sovereigns of France, Scotland, nor England, nor their successors, ever to rebuild Roxburgh or Eyemouth.

“*Item*, The Kingdom of Scotland shall be comprehended in this Peace; and the English must not invade Scotland without a new and just offence given. And the Queen of Scotland is obliged, within forty days after the date of this treaty, to certify the King of England, under her Great Seal, that she accepts the said Comprehension.”¹

In consequence of this treaty, the Queen grants a commission, on the 19th of April, to Thomas Lord Erskine to repair into England; and there *viva voce*² to accept and ratify the said Comprehension. The Peace was proclaimed at Edinburgh the beginning of April, and in consequence of it the French soldiers were transported back into their own country. Howbeit the French General Monsieur de Thermes, and other French officers, remained some months longer in Scotland, and went about visiting several places for their diversion, as was given out, though indeed it would appear they tarried here for other ends; for in the September following, Leo Strozzi arriving at Leith with some ships from France, the Queen Dowager embarked aboard him, and set sail from thence for that kingdom, accompanied with the above said French gentlemen, and several of the Scots Nobility and gentry, of whom the principal were the Earls of Huntly, Sutherland, [or according as Knox calls him, Glencairn], Marischal, and Cassillis, the Lords Maxwell, Fleming, Bishop of Galloway, &c. The Queen Dowager landed

Dunglass, though they have long ceased to have any connection with the property, which belongs to Hall, Bart. of Dunglass.—E.]

¹ *Fœdera Angliæ.*

² *Ibid.*

at Dieppe in Normandy, after the middle of October, from whence she went to Rouen, where the French King then was ; and after some time spent there in jollity and mirth, the Court set forward to Paris, and thence to Chartres ; in which city they resided the remaining part of the winter. And here it was that the Queen Dowager opened her mind to the French King concerning the business which had brought her into France, namely, That he would be pleased to use his interest to obtain for her the Regency of the kingdom of Scotland, and the administration of public affairs there. The King was well enough satisfied with the motion, but on this express condition, that the Earl of Arran do voluntarily demit the government ; and in order to dispose him thereto, the French King was advised to bestow honours and profits upon him, and upon such other persons as might be serviceable to the Queen's design. The King of France, also by advice of the Queen Dowager, calls for Robert Carnegie of Kinnaird, one of the Governor's Council, who had been sometime before sent over by him into France, to give that King thanks for the assistance he had given to the Scots against the English. He also called for David Panter, Bishop of Ross, who had for some years past been ambassador in France from Scotland, and also for Gawin Hamilton, Commendator of Kilwinning ; all three firm men to the Earl of Arran. To them the King declared how agreeable it would be to him, would the Governor freely demit the Government of Scotland in favours of the Queen Dowager. And as the request was both just and equitable, so if the Governor would comply with it, the King should take care that his interests should no way suffer thereby. He further willed them to signify to the Governor, that he had already confirmed him in his title of Duke of Chastelherault, and had actually made his son Captain of all the Scots soldiers in France, and had bestowed other marks of his royal favour upon his other sons and relations.

On this message was Robert Carnegie dispatched into Scotland, and within a few days the Bishop of Ross, as being a man of great parts, and of much interest at Court ; who, by his management soon after his return home, did so deal with the Governor, that he consented, though not without some difficulty, to resign the Government into the hands of

the Queen Dowager ; for which diligence and faithful service the King of France presented him with an abbey in Poictou.

Matters being thus far transacted to the satisfaction of the Queen Dowager, she left France in the end of harvest, or beginning of winter 1551, but made choice to pass through England in her return home.¹ She landed at Portsmouth, and the 2d of November she came from Hampton Court by water to the city of London, and lodged that night and the next day in the Bishop's Palace near St Paul's church ; and on the 4th day she rode in her chariot to the Palace of Whitehall, where she was received by King Edward.² After

¹ The license granted her by King Edward, at the request of the French King, for returning through England, is dated at Westminster, 12th May and 17th September 1551.

² Mr Stow and Holinshed tell us that she came to Whitehall accompanied with the Lady Margaret Douglas, Countess of Lennox, the Duchesses of Suffolk, Richmond, and Northumberland, and divers other ladies, both Scottish and English. At the gate of the Court, the Dukes of Northumberland and Suffolk, and the Lord Treasurer, were ready to receive her ; and at her entering into the Hall, the King stood in the upper end thereof, the Earl of Warwick holding the Sword of State before him. As she advanced to the King, these historians say she kneeled down ; but I suppose they mean no more than that she observed the common forms of decency observed among Princes of her rank at that time. They add, that he took her up, kissed her, and taking her by the hand, led her into his own Chamber of Presence, and afterwards into that of the Queen, where he kissed all the Scottish ladies, and so departed for a while. Her Majesty dined that day in the Queen's apartment with the King, our Queen sitting by the King apart by his Cloth of State ; and all the ladies, both of Scotland and England, dined in the Queen's great chamber. After dinner the King shewed her his gallery and gardens, &c. and about four afternoon he brought her down again by the hand into the Hall where he first received her, and there kissing her, she took her leave, and returned to the Bishop's Palace from whence she came. The 6th day of the month she departed for Scotland, passing forth of the city at Bishops-gate. The Duke of Northumberland, the Earl of Pembroke, and the Lord Treasurer, conducted her to Shoreditch church, and there took leave of her. The Duke of Northumberland had 100 men on horseback with javelins, whereof 40 were gentlemen clad in black velvet coats, garded with white, and hats of black velvet with white feathers, and chains of gold about their necks. The Earl of Pembroke had 120 men, well appointed also, with black javelins and hats with feathers ; and the Lord Treasurer had 100 gentlemen and yeomen with javelins, in like manner well apparelled ; which three companies of horsemen furnished the streets on either side, from the Cross in Cheapside to Birchenlane end. The sheriffs of London conducted her to the town of Waltham, where she lodged that night ; and in every shire through which she passed the sheriff with the gentlemen gave her Majesty attendance, till she came to

that King had very kindly entertained the Queen Dowager, we are told that he took occasion to demand her daughter in marriage, as, he said, had been formerly agreed to by the Scottish Nobility ; adding, that this match would be most beneficial to the Scots, whereas the match with France would be most detrimental, and that he would entertain constant enmity against any other man that should marry her. To this the Queen wisely answered—That the cause of her daughter's designed marriage with the Dauphin of France, was chiefly owing to the Protector of England his entering Scotland with armed force ; for, said she, it was unadvisedly done of him, to seek to compel by force of arms a woman, who ought rather to be allured with fair promises than forced by open violence. Therefore, added she, the Scots being so vehemently pressed by the Protector, were in self-defence necessitated to demand help from France ; and for the more speedy obtaining thereof, they were obliged to send their Queen into France as a pledge. She likewise said, that she was sorry this business was come so near an issue, contrary to what he desired and wished ; but that she would use her endeavours with the French King, in behalf of him the King of England. Two days after, viz. the 6th of November, the Queen left London, and entered the Borders of Scotland towards the latter end of December ; and how soon she came to Edinburgh she was most kindly welcomed by the Governor and others of the Nobility.

This journey of the Queen Dowager into France, her negociation there, and her return thence, have been all laid together on purpose not to break the thread of that adventure ; but now we must cast our eye back to other affairs which were a-transacting in Scotland during that time. In consequence of the comprehension of Scotland in the last treaty of peace betwixt France and England, there was a formal peace concluded betwixt the two nations of Scotland and England at Norham, on the south side of the river Tweed, the 10th June 1551. The Commissioners on the part

enter into the next shire, and that order was observed until she came to the Borders of Scotland: all her charges for meat and drink to herself and all her train, and provision for their horses, being born and allowed by the King, says Holinshed; but Stow says at the charges of the shires through which she passed.

of Scotland were Robert, Bishop of Orkney, Robert Lord Maxwell, Thomas Master of Erskine, Ludovick de Sancto Gelasio, Knight, a Frenchman, and Robert Carnegie of Kinnaird, Clerk to the Treasurer. Those for England were Thomas, Bishop of Norwich, Robert Bowes, Leonard Beckwith, and Thomas Chalonar, Knights. The 1st July 1552, a commission was granted to Sir James Douglas of Drumlanrig, and Richard Maitland of Lethington, to meet with commissioners from England, for making a division of the Debateable Ground on the Borders ; which division was ratified on the 9th November following.¹ While the war was hot in the country, men had scarcely leisure to think of other business ; and this gave occasion to several loose persons to commit many irregularities, which the Governor now resolved to put a stop to. In the summer 1552, the Governor, accompanied by the Queen Dowager, went in circuit as far north as Inverness, holding Justice Courts in the several towns during that season. And in the harvest and winter he passed in circuit through the west and south parts of the kingdom ; but it was much noticed, as a thing not formerly practised in Scotland, that in all these circuits most of the criminals were discharged for the payment of a fine in money. This was not generally approved of, as savouring too much of covetousness, so that the Governor, it was said, gained still little reputation by these circuits. But, on the other hand, the Queen Dowager made it her business, in all places where she came, to gain to herself the favour and good-liking of the Nobility and gentry, and was secretly well enough pleased to foment their dislike at the Governor's proceedings, as being assured, whatever degree of favour he lost, returned upon her. So at last she having, partly by fear and partly by hope, won over to her the Nobility, she gave commission to the Bishop of Ross to deal with the Governor, that he would resign to her the government according to paction. Much time seems to have been trifled away in this negociation, even all the year 1553 ; though indeed it must be acknowledged that it is no easy matter for a man to divest himself of a supreme jurisdiction and command, when once he is clothed therewith. Several insolences were likewise committed during this uncertain

¹ *Fœdera Angliæ*.—[Rymer's *Fœdera*, folio, vol. xv. p. 319, 320.—E.]

state of government. At last the Governor's friends perceiving that even then things were managed by French counsels, and that if he should continue refractory, he would not be able to make account for his intromissions, when the young Queen should be of age, they advised him to embrace, and he seemed willing to acquiesce in the Queen Dowager's proposal, on the following terms :

“ I. That the French King should see him indemnified for what goods he had made use of belonging to the late King, and of all accounts during his Regency.

“ II. That an Act of Parliament should be past, declaring that if the Queen died without issue, he should be the next heir.”

These conditions of the surrender were sent into France, in order to be confirmed by the Queen and her curators, whom by the advice of her mother she had chosen, viz. Henry King of France, Francis Duke of Guise, and his brother the Cardinal of Lorraine,¹ both her uncles. But notwithstanding the Governor's promise, the Queen observing, that as the time drew near he began to resile, as deeming it a shocking thing for him to descend from the supreme magistracy to a private life, she therefore retired to Stirling, waiting the expiration of the few months which remained for the Governor to deliver up his charge. The Earls of Atholl, Huntly, Argyll, Angus, and Cassillis, followed the Queen to Stirling; and by their advice, no doubt, she sometime after appointed a general council of the Nobility to meet her there in the spring *anno* 1554; in which council she claimed the government of the kingdom, by virtue of a power granted her thereto from her daughter, being then above twelve years of age; the laws of the land

¹ [The Cardinal of Lorraine, uncle of the second Queen of James V., and who held some valuable ecclesiastical preferments in Scotland, was Charles the brother of Francis, Duke of Guise, eldest son of Claude, fifth son of René II., Duke of Lorraine. The Duke and the Cardinal had the principal share in the government of France, during the reigns of Henry II. and Francis II. The powerful and princely Family of Guise were most unpopular in Scotland, as it was believed that they were the chief advisers of the massacre which was perpetrated on St Bartholomew's Day.—E.]

allowing the Prince to reckon up as a part of his age what space of time he lived in his mother's belly.

The Governor seemed to refuse this privilege to female princes ; but perceiving that the Nobles, who were fully convened at Stirling, did all incline to give their suffrages for the Queen, and that not one of them had remained at Edinburgh with him, except his own natural brother the Archbishop of St Andrews, and the Lord Livingston his near kinsman, and having been advised by a letter from the Earl of Huntly to lay down the government, unless he had a mind to incur the anger and hatred of the Nobility in general ; he went to Stirling, and there made a solemn promise to the Queen Dowager to resign into her hands the public administration at the next Parliament, which was indicted to be held at Edinburgh the 10th of April 1554, for that effect, and for ratifying the conditions upon which the Governor was to demit. Which conditions appear to have been the same as those two already mentioned, with the addition of a third, viz.—*That the Governor be actually invested in the right of the Dukedom of Chastelherault in France.* But because the records of this Parliament are lost,¹ we can affirm nothing but as we gather from historians.

At last, the day for the meeting of the Parliament being come, the Articles made betwixt the Queen Dowager and the Governor were read, as confirmed by the young Queen herself in France, with consent of the King of France, the Duke of Guise, and the Cardinal of Lorraine, her curators chosen as before. And to these Articles the Estates in Parliament assembled gave their consent, ratifying and confirming them by their subscriptions and seals ; which being

¹ [All the records of the Scottish Parliament, from June 1548 to the end of her reign, are entirely lost, with the exception of those of a Parliament in November 1558 and another in April 1562. The Parliament of 1554 met on the 12th, not the 10th of April as stated in the text. See the "Ratification of the Discharge made to James Duke of Chattellarault, &c., of all intromissions with the money and other moveable guidis of the Queenis Grace," the "Declaratioun" in favour of the same Nobleman, being "Ane exoneration of all crimes that may be impute to him preceding the date hereof," and the "Band made by the Queen Dowager and the Three Estates to James Duke of Chatellarault, warranting him against all actions touching his intromissions with the money, jewels, &c., pertaining to the Queen's Grace," printed from the originals in the Archives of the Duke of Hamilton. Acta Parl. Scot. vol. ii. p. 600, 602, 603.—E.]

done, the Governor arose, and publicly gave up the royal crown, sword, and sceptre, the ensigns of government, to Monsieur d'Oysel, the French Ambassador, who received them in name of the Queen in France; and by a mandate from her, with consent also of her curators, which was presently shewed, delivered them to the Queen Dowager, who, as appears by the Registers of Council, was proclaimed Regent of the kingdom on the 12th of April. Mr Buchanan tells us, that the Lord Erskine was at this time made Governor of the castle of Edinburgh, and that he received orders from the Parliament to deliver it up to no person without an express warrant from the Estates. The same author likewise informs, that there was a separate Article stipulated by the Queen Regent in favours of the Earl of Arran, namely, That in consideration of his surrendering the Government, his Lordship should be allowed to have the command of the castle of Dunbarton; and I am much mistaken if I have not seen authentic writs to confirm this, though I am not able at present to recal where they are to be seen. Bishop Lesley likewise takes notice that the castle of Edinburgh was committed to the Lord Erskine, but with this difference in the narration, viz. That the Estates of the kingdom, fearing the Governor might repent him of his surrendering the management of public affairs, and thereupon endeavour some disturbance, which he might the more easily bring about by having the castle of Edinburgh in custody, they therefore appointed him to deliver it up to the forenamed Lord, who, in such an event, had orders given him to surrender it immediately to the Queen. I shall not pretend to judge which of these accounts is the justest; only we know, that in the after-disturbances which fell out about matters of religion, the Lord Erskine kept still the castle of Edinburgh, and would deliver it to neither party.

N.B. Whereas I have said, page 49,¹ that a close correspondence was settled betwixt Henry King of England and the murderers of Cardinal Beaton, immediately after the said murder, I perceive that the correspondence which was

¹ [Bishop Keith refers to page 49 of the folio edition of his "History," which corresponds to pages 121 and 122 of this volume. The text commencing N.B. is intended as a mere appendix to the Chapter.—E.]

there meant, and which is instructed by public contracts and obligations *hinc inde*, was not until the month of March 1546-7, betwixt King Edward and the murderers. *Vide Fœdera Angliæ*.¹ However, though I have not seen authentic records to ascertain the correspondence with King Henry, yet I suppose the consent of our historians is sufficient to verify the thing. Even Bishop Burnet tells us, *Hist. Reform.* vol. i. p. 322,² that the murderers sent a messenger to King Henry for his assistance, and that they declared for him; and, vol. ii. p. 7, he tells, that in February 1546-7, Mr Henry Balnaves, one of those who entered the castle of St Andrews to take one lot with the murderers, and was then their agent at the Court of England, received L.1180 for one half year's pay to the soldiers of that Castle. He informs us also that Norman Leslie had L.280; Sir James Kirkcaldy, L.200, and many others, smaller pensions allowed them for their amity, as it is expressed in the Council-Books. Patrick Lord Gray of Scotland contracts also with King Edward, at the castle of St Andrews, 11th March 1546-7, to deliver up to him his castle of Broughty, together with the fishing and pertinents, worth 200 merks Scots money, in consideration that that King shall assist him in recovering the town of Perth into his keeping; which being obtained, he agrees also that his Majesty shall take into his hands the principal strength of the town called the Spey Tower.³ I observe likewise in the *Fœdera Angliæ*,⁴ that the Earl of Bothwell receives a pension of 3000 crowns a-year from England, and 100 horse maintained for a guard to his person in the year 1549. I had almost forgot to take notice, that our historians observe that none of those who embrewed their hands in the Cardinal's blood died a natural death, without some violence or other.⁵

¹ [Rymer's *Fœdera*, folio, 1713, vol. xv. p. 131-134.—E.]

² [This reference is to the first edition of Bishop Burnet's *History of the Reformation*.—E.]

³ [Or the Spy Tower, in the Earl of Gowrie's garden, on the side of the Tay, near Gowrie House and the Bridge of Perth. It was also called the Monks' Tower.—E.]

⁴ [Rymer's *Fœdera*, folio, vol. xv. p. 190, 191.—E.]

⁵ [See the note, p. 113 in the present volume.—E.]

CHAPTER VI.

CONTAINING AN ACCOUNT OF CHURCH AFFAIRS FROM THE MURDER OF CARDINAL BEATON, ANNO 1546, TILL THE SETTING UP OF THE CONGREGATION, ANNO 1558.

IMMEDIATELY after the death of Cardinal Beaton, John Hamilton, Abbot of Paisley, and now Bishop-Elect of Dunkeld, of whom frequently before, was by the Governor nominated, and by the Chapter elected Archbishop of St Andrews, and had his election afterwards confirmed by the Pope ; who, together with his Bull to that effect, wrote both to the Governor and the new Archbishop, exhorting them to make their zeal appear, in vindicating the injuries done to the State Ecclesiastick.

It is not to be doubted but the loss of so great a man as the Cardinal, at the head of the Church, and I may say of the State also, did mightily affect the whole clergy of the kingdom; nor did the brutal and odious manner of his murder less instigate their revenge on the perpetrators thereof, so far as their power or interest could go. Our most reverend historian, Archbishop Spottiswood, tells us, that the inferior clergy exclaimed much against the murder, as the most odious which in any memory had been committed ; and that the Bishops did incessantly importune the Governor, that a speedy course might be taken for effectually apprehending and punishing the authors of so black a crime ; and that the Ecclesiastick Judges did in a solemn manner anathematize them, and all that should succour or receive them. And probably it has been upon a petition from the clergy, that the following Act of Council was emitted on the 11th day of June,¹ being the second day the Council sat after the aforesaid murder.

“ Act against invading, destroying, or withholding of Abbays, &c. 11th June 1546. Regist. Counc.—The quhilk day my

¹ [The Convention of Estates at Stirling ratified the Act quoted by Bishop Keith on the 9th of August 1546. Acta Parl. Scot. folio, vol. ii. p. 470.—E.]

Lord Governor, with advice of the Queen's Grace, and Lords of Counsale, understanding that, through the occasion of this trublus tyme, and grete inobedience maid baith to God and man, in the committing of divers enormis and exorbitant crymis, it is dreided and ferit that evil disponent persons will invaid, distroy, cast down, and withhald Abbays, Abbay Places, Kirkis, alswele parish kirks as utheris religious places, freris of all ordouris, nuneris, chapellis, and utheris spiritual men's houses, aganis the lawis of God and man, and in contrair the libertie and freedom of Halie Kirk, and Acts of Parliament made thairupoun, observit and kepit in all tymes bygane : And for eschewing and stopping of all such inconveniences, it is devisit, statute, and ordainit, that letteris be directit over all partis of this realme, to all Sheriffs, Stewarts, Baillies, and their Deputes, and to the Provosts, Aldermen, and Baillies of Burrowis, and to other officiaris of the Queen's Shereffs in that part, charging them to pass to the mercat crosses of all burghs within this realme, and thair, by open proclamation, command and charge all and sundry our Sovereign Lady's lieges, that nane of tham tak upon hand to cast down or destroy any of the said kirks, religious places, and utheris kirks and Kirkmen's houses foresaid ; or to withhald, intromitt, or tak the samyn at their own hand, be way of deid, in ony tymes coming ; or to spulze the jewels or ornaments of the Kirk, ordained for God's service, and dedicated to the samyn, under the pane of tinsell of life, lands, and guidis : And giff any sik Kirkmen's houses or places be ellis taken by whatsoever persons, ordains the takirs and withholders of the samyn, to restore and deliver the samyn again to the Awners thereof and their factors, under the said pane, and ordains this Act to be ratified in Parliament."

Thereafter, when the Parliament was deliberating how to regain the Archbishop's castle of St Andrews out of the hands of the murderers, the clergy, on the 14th of August, agreed to a taxation¹ of L.3000 monthly, for the space of four months, towards defraying the charge of besieging the said Castle ; and consented to the further payment thereof

¹ [Acta Parl. Scot. folio, vol. ii. p. 472. This voluntary "taxation" was very liberal, though it was Scots money.—E.]

during the continuation of the siege. And it was from this supply that the siege was first undertaken, and afterwards carried on.

But however much the Romish party were damped by the slaughter of the Cardinal, those who affected a manner of worship contrary to his were no less elevated. The enterprize was applauded, and the actors highly commended; even Mr Knox calls it a *godly deed*. Many of their friends went to the Castle to congratulate them upon the fact, and Mr John Rough, a preacher of the new doctrines, entered there, and took one lot with them. The reader will remember that this Rough had formerly attended the Governor, while that Nobleman followed that party. He is said to have been a pious man, but it is much to be wished he had not so far betrayed an erroneous judgment as to have associated himself with the perpetrators of a deed so highly contrary to and destructive of the principles of the Christian religion. However, after he had remained with that debauched crew within the Castle, until the first pacification was made, exhorting them all the time to forbear their godless course of life, and perceiving that he prevailed nothing, he then left them and began to preach in the town of St Andrews. But to make amends for his desertion, Mr John Knox very soon thereafter, viz. at Easter 1547, entered the Castle; he says himself, for protection and safety of his person, but his former words shew that he did not disapprove of the deed of that company. During the time that intervened betwixt this and the second siege of the Castle, Mr Rough and Mr Knox continued to preach in the town of St Andrews, and to dispute with the established clergy. Nay, a congregation was formed in the town, consisting partly of those within the Castle, and partly of the inhabitants, who, by the mouth of Mr Rough, made choice of Mr Knox to be their preacher, which was all the *call*, or lawful vocation to the ministry, that Mr Knox sought after, as himself informs us. But when the Castle was besieged the second time, Mr Rough departed into England, and Mr Knox shut himself up with the rest. By these and the like open proceedings about that time, the clergy were much alarmed; and thereupon presented to the Governor and Council the following Supplication, the 19th March 1546-7.

“My Lord Governor, and Lords of the Greit Counsale, unto your Grace and L[ordships], humlie means and schewis, we your Oratouris, the Bischops, Prelates, and Kirkmen, now present in this town, for ourselves, and in name of the remanent of the Kirkmen of this realme, how that it is nocht unknowin to your Grace and L[ordships], that sundry parts of this realme, quhilk has been ever Catholik sen the beginning of the Faith to these days, now infectit with the pestilential heresies of Luther, his sect, and followaris, and sa perseveres unpuneist, quhill divers of thame are becoming Sacramentaris, and specialie aganis the blessed Sacrament of the Altar ; others of them abjurit and relapsit, baneist of auld, now comes pertlie without any dreidour, nocht allenarly in the far parts of the realme, but als to the Court and presence of your L[ordships], and sometime preaches oppinlie, and instructs utheris in the said dampnable heresies ; quhilkis and the samyn be nocht remedied by your Grace and L[ordships], by your help and assistance to the jurisdiction spirituall, it will spied, incress, and rise daily mair and mair, and ay the langer the mair difficult to remeid. Wherefore we humbly beseech your Grace and noble L[ordships], for your princely honour and nobiliteis, to gif your haistlie help and remeid in their behalvis, to the pleasure of God, maintenance of the Cristin Faith, and your awin honour, with your ansser.”

“My Lord Governour and Lords temporale, ordains and desires the Kirkmen to gif to his Grace the names of the heretiks that are relapsed, or hald opinionis aganis the Sacraments of the Altar, or teichis heresys ; and his Grace and the Lords temporale shall take them, and cause the laws of the realme to be execute on them, ay as he is required thairto, conform to the laws of Haly Kirk, and ordains this Supplication and Deliverance past thairupon, to be put in the Bukis of Council.”

The war continuing with England, as it did for two years after, had so possessed men's minds, that little or no attention was given to other business, and perhaps the clergy thought it no proper time to exercise severity against those that dissented from them, till they should see what turn matters might take in the State. The King of England was a professed Protestant, and the issue of the war was

uncertain ; wherefore it was judged best for them to wink at many things, until they should see farther about them. This relaxation brought many persons over to the new doctrines, and dissenters increased daily. Upon which account, when the war was ended, the clergy began to look more narrowly into their own affairs.

There was one Adam Wallace, a simple but very zealous man for the new doctrines, who, together with his wife Beatrix Livingston, used to be much in company with the Lady Ormiston, and to instruct that lady's children during the absence of her husband.¹ It is likely enough that the catechising of these, and perhaps also of other children, in the new forms, had made the man to be more taken notice of than otherwise he would have been. So he was taken at Winton in East Lothian by the Lord Primate's direction, and brought upon his trial in the church of the Black Friars in Edinburgh, where, in presence of the Governor, the Earl of Argyll, Great Justice of the realm, the Earls of Angus, Huntly, and Glencairn, and divers others of the Nobility and Prelates, he was accused by Mr John Lauder² of several Articles which may be seen in Knox's and Spottiswood's Histories, and in Fox's Martyrology ; and being found guilty, was the next day³ burnt on the Castlehill of Edinburgh. They say he was inhibited to speak to the people at his execution, yet they tell us that he entreated them not to be offended at the truth because of his suffering, saying—“ The disciple is not above his master ;” and in a few words more, commending his soul to God, he took his death most patiently.⁴

Sometime after this, viz. the 26th of January 1551-2,

¹ John Cockburn, Laird of Ormiston, was forfeited 14th December 1548, for going into England, and bringing the Lord Grey of that nation into Scotland in the spring of the year 1547-8.

² He was Archdean of Teviotdale, and a Notar Publick, and probably was brother to Mr Henry Lauder, Queen's Advocate for the time.

³ Fox, in his Kalendar, places this execution on the 12th of October 1551; yet in the body of his History he tells, that he had his accounts thereof *ex testimoniis et literis à Scotia petitis, anno 1550*. There must be an error in the print.

⁴ [This was the first public act of Archbishop Hamilton after his elevation to the Primacy of St Andrews. It is evident that the poor man was unworthy of notice from his obscurity, and the weakness of his intellect. Among the charges against him were those of assuming the office of

there was a provincial Synod of the clergy kept at Edinburgh, in which was agitated the merry story concerning the *Pater-noster*, related by Archbishop Spottiswood,¹ who tells us likewise, that at the same convention, order was taken for publishing a Catechism in our mother tongue, containing a short explanation of the *Commands*, *Belief*, and *Lord's Prayer*; and the curates were enjoined to read a part thereof every Sunday and holiday to the people when there was no sermon, and until fit preachers should be provided by the Bishops.² The next year, which was 1552, another provincial Synod was kept at Linlithgow, in which the maintainers of any opinion contrary to the Church of Rome were accused, and the Decrees of the Council of Trent made in the time of Pope Paul III. received. Some acts also were made for reforming the corrupt lives of the clergy, but little or no execution followed, says the foresaid author. But Bishop Lesley speaks in another strain concerning that matter.

preaching, and of baptizing one of his own children. The answers he returned to the Judges were such as ought to have convinced them that his ideas were fanciful and absurd. His wife was committed to prison as a participator in his erroneous notions, but was soon set at liberty.—E.]

¹ [History of the Church and State of Scotland, folio, 4th edition, 1677, p. 91, 92.—E.]

² This Catechism, as it is indeed called on the title-page, consists of 205 leaves in a small 4to. It is printed at St Andrews the 29th of August 1552, by the command and at the expence of Archbishop Hamilton, whose composition it is commonly reckoned to be. The Preface bears his name, and is directed principally to all the clergy, who are appointed to read it in place of sermon, if there be none at the time. It is a judicious Commentary upon the *Commands*, *Belief*, *Lord's Prayer*, *Magnificat*, *Ave Maria*; and the author shews both his wisdom and moderation in handsomely eviting to enter upon the controverted points. In a word, no divine at this day need be ashamed of such a work. Therefore since it was commonly sold for twopence, and called in derision *The Twopenny Faith*, as Archbishop Spottiswood and other of our historians inform us, I readily assent to Dr Mackenzie, who thinks that Archbishop Hamilton having been at the charges of the printing, allowed the pedlars to take only twopence (not shillings) Scots, for each copy of it from the people, as a fee for their pains in distributing it. It appears that whoever slighted this book, have been resolved to slight every thing that should come from such a hand; and this composure, though there were none else, shews that all the clergy in those days have not been such dunces as some people would make us apprehend. The book is yet extant, and speaks for itself. Mr Knox and Mr Buchanan mention a *Twopenny Faith* in 1558. Perhaps Bishop Spottiswood takes one thing for another: if so, that reconciles the difficulty concerning the value of the Catechism.—[See the note, p. 5, and App. to M'Crie's Life of Knox.—E.]

On Thursday the 6th of July 1553, died Edward VI. King of England, to whom succeeded Mary his eldest sister, a woman of a strict and severe life, constant at her devotions, but violently addicted to the interests and humours of the Romish Church.¹ This alteration in England, together with the advancement of our Queen Dowager, the year following, to be Regent of this kingdom, seemed to dash all hopes of a Reformation of Religion in Scotland. And yet the quite contrary of what was expected fell out. The preachers and favourers of the new doctrines found themselves necessitated to fly out of England, whithersoever they could meet with shelter. One of these, William Harlaw,² a Scottishman by nation, but who had preached sometime in England, returned at that time to his native country, and preached to such as favoured the reformed opinions and principles. After him came hither John Willocks, who had formerly been a Franciscan Friar in the town of Ayr. He likewise had remained in England, but upon Queen Mary's persecution, had fled over into Friseland, where he professed medicine, and was sent by the Countess of Friseland with some commission or other to our Queen-Regent in the year 1554. Again he returned the very next year, with another commission from the same person; after which time he abode in Scotland, and preached to as many as resorted to him, who, it is said, were neither few nor of the meaner sort. But that which gave the greatest life to the succeeding alteration in religion was the arrival of Mr John Knox³ in the end of the harvest 1555, to whom many of good note repaired, and heard his discourses, in which he chiefly insisted upon the unlawfulness of being present at the Mass, which he said was an idolatrous worship. He succeeded so well in these his exhortations that a great many persons withdrew from the churches, and began to make an open separation; which

¹ [See the observations on Mary's principles and policy in "England under the Reigns of Edward VI. and Mary," by Patrick Fraser Tytler, Esq. London, 2 vols. 8vo. 1839.—E.]

² Or Harly. He had been by occupation a tailor in the Canongate of Edinburgh, before he took up that of preaching.—Calderwood's large MS. and Bishop Lesley.—[Calderwood's History (Wodrow Society), vol. i.—E.]

³ He had been carried prisoner to France at the time the Castle of St Andrews was taken, and after his escape from that kingdom had remained in England till the death of King Edward, from whence he went to Geneva, from that to Francfort, again to Geneva, and from thence to Scotland.

being observed by the clergy, Mr Knox was summoned to appear before the Ecclesiastick Judicatory, on the 15th day of May 1556, in the church of the Black Friars in Edinburgh. But when the day came, the cause was dropt upon some informality in the summons, as was pretended; though it is more likely that the arrival of a great number of his friends in town might make some uproar to be dreaded. Hereupon his sermons were still more publicly frequented, and it is certain that Mr Knox preached to a greater auditory the very day he should have made his appearance than ever he had before, and he continued doing so for several days thereafter. The Earl of Glencairn did at that time take along with him the Earl Marischal to hear one of Mr Knox's discourses, who was so well pleased therewith, that it was thought adviseable Mr Knox should write a letter to the Queen-Regent, entreating for a Reformation in the Church; which he accordingly did, and the letter was delivered to her by the Earl of Glencairn. But the Queen calling it a pasquil, put it into the hands of the Archbishop of Glasgow; and this gave occasion to Mr Knox to make some additions to his letter two years after, both which he caused to be then printed at Geneva, and which the reader will find at the end of the latter editions of his History of the Church of Scotland.

Not long after this, letters were brought to Mr Knox from an English congregation in Geneva, beseeching him to repair unto them to be their pastor. In compliance with which, he departed in the month of July 1556. But he was scarce gone, as himself tells us, when the clergy cited him anew to appear before them; and because he appeared not, he was condemned as an heretic, and burnt *in effigie* at the Cross of Edinburgh. The copy of his sentence having been transmitted to him at Geneva, he published a sort of apology, which he intituled, "The Appellation of John Knox from the cruel and most unjust Sentence pronounced against him by the false Bishops and Clergy of Scotland, &c." and this paper also may be seen printed with his History.

In the year following, viz. 1557, the new doctrines were mightily supported by the teachings of sundry persons in different parts of the country, William Harlaw and John Willocks in Edinburgh and Leith; Paul Methven, a baxter¹

¹ [*Anglice*, baker.—E.]

in Dundee; other persons in Angus and Mearns; and especially Mr John Douglas, a Carmelite Friar, became chaplain to the Earl of Argyll, and spoke openly at Court, where that Earl then resided, against the prevailing superstitions of the times. And it was observable, that from that time forward the estimation of the clergy daily diminished; and even divers of that order, both Secular and Regular, but especially of the latter sort, began publicly to espouse the party of the Reformation, and to declaim against the corruptions of the Church of Rome. And now the Bishops, perceiving their opposites to increase daily, and that they were a-forming of stated meetings and conventions among themselves, moved the Queen Regent to call the preachers before her Council, and arraign them for raising of mutinies, and convening together the lieges without authority; but the day appointed for their appearance being come, such numbers of people did flock together, and the Queen was so menaced, that she was forced to declare she meant no harm to their preachers, and that the present diet should be discharged. And now it seems these gentlemen, judging their affairs to be in a pretty good posture, thought fit to send the following letter to Mr Knox, requesting him to return into these parts.

“ Dearly beloved in the Lord, the faithful that are of your acquaintance in these parts (thanks be unto God) are steadfast in the belief wherein ye left them, and have a godly thirst and desire, day by day, of your presence again; which if the Spirit of God will so move and permit time unto you, we will hartelie desire you, in the name of the Lord, that ye will return again into these partes, where you shall find all faithful that ye left behind you, not only glad to hear your doctrine, but will be ready to jeopard lives and goods for the setting forward of the glory of God, as he will permit time. And albeit the magistrates in this countrie be as yet but in the state ye left them, yet at the making hereof we have no experience of any more cruelty to be used than was before; but rather we have belief that God will augment his flock, because we see daily the Frears, enemies to Christ's gospel, in less estimation both with the Queen's Grace, and the rest of the Nobility of our realm. This, in few words, is

the mind of the faithful being present, and others absent. The rest of our minds this faithful bearer will shew you at length. Thus fare ye well in the Lord. At Stirling, 10th March 1556. GLENCARNE, LORN, ERSKINE,¹ JAMES STEWART."²

Mr Knox, upon receipt of this letter, did at their desire, and by advice of Mr Calvin, &c. begin his journey homeward; but when he was come as far as Dieppe in France, in the end of October, he there received other letters, advising him not to continue his journey, for that all things were at a stand in Scotland. And it seems that the favourers of a Reformation, being uncertain what turn matters might take, began to reckon it more secure to be allowed the worship of God after their own manner in private assemblies, which was connived at, than to drive at greater enlargements, and perhaps fail in the attempt; and so come to lose all. Mr Knox being therewith vexed at the heart, wrote, in return to his friends, a very pathetical letter, in which he tells them how much he was confounded to find them so unstable in their consultations, and that if any persuaded them, for fear of the danger which might follow, to faint in their intended purpose, and to prefer their worldly rest to God's praise and glory, such a one was to be accounted their mortal enemy: That they ought to hazard their own lives, be it against Kings or Emperors, for the deliverance of the people from spiritual bondage. And finally, having laid before them many strong inducements to quicken them unto the work, he ends with telling them—That the reformation of religion and of public enormities doth appertain to more persons than either the clergy, or the chief rulers called Kings.

This letter, dated from Dieppe, the 27th of October 1557, and which may be seen at large in Mr Knox's own History, had a wonderful influence upon the minds of those to whom it was directed, so that they resolved speedily to prosecute their now intended purpose, and to enter into measures for prosecuting the same. In order to which, and that every

¹ I suppose this has been John Erskine of Dun, for the Lord Erskine had not yet joined himself to that party.

² This was the Prior of St Andrews, natural son to King James V. by a daughter of the Lord Erskine; he was afterwards commonly called the *Lord James*.

one should be the more assured of other, as Mr Knox says, a Bond was drawn up and subscribed by some principal persons, the tenor whereof followeth :

“ We, perceiving how Sathan, in his members, the Antichrists of our time, cruelly do rage, seeking to overthrow and to destroy the gospel of Christ and his Congregation, ought, according to our bounden duty, to strive in our Master’s cause, even unto the death, being certain of the victory in Him. The which our duty being well considered, we do promise, before the Majesty of God, and his Congregation, that we (by his grace) shall with all diligence continually apply our whole power, substance, and our very lives, to maintain, set forward and establish, the most blessed Word of God and his Congregation ; and shall labour, at our possibility, to have faithful ministers truly and purely to minister Christ’s Gospel and Sacraments to his people. We shall maintain them, nourish them, and defend them, the whole congregation of Christ, and every member thereof, at our whole powers, and waging of our lives against Sathan and all wicked power that doth intend tyranny or trouble against the foresaid Congregation. Unto the which Holy Word and Congregation we do joyne us, and so do forsake and renounce the Congregation of Sathan, with all the superstitious abomination and idolatry thereof ; and moreover shall declare ourselves manifestly enemies thereto, by this our faithful promise before God, testified to his Congregation by our subscription at these presents. At Edinburgh, the 3d day of December 1557 years. God called to witness. A. EARL OF ARGYLE, GLENCARNE, MORTOUN, ARCHIBALD Lord of Lorn, JOHN ERSKINE of Dun, &c.”

Immediately after the subscription of the foresaid Bond, the Lords and others that concurred with them convened together ; and after deliberation on what was fittest to be done, they concluded upon the following Articles, viz. :—

“ I. It is thought expedient, advised, and ordained, that in all parishes of this realm¹ the *Common Prayer* be read weekly,

¹ Observe how these men give orders to the whole realm. Such an act would be justly adjudged high treason now ; I know not what it might be then.

on Sunday, and other Festival Days, publicly in the parish churches, with the Lessons of the Old and New Testament, conform to the Order of the Book of Common Prayer.¹ And if the curates of the parishes be qualified, to cause them to read the same ; and if they be not, or if they refuse, that the most qualified in the parish use and read the same.

“ II. It is thought necessary that doctrine, preaching, and interpretation of Scriptures, be had and used privately in quiet houses, without great conventions of the people thereto, while² afterward that God move the Prince to grant public preaching, by faithful and true ministers.”

In pursuance of the above resolve, we are told that this regulation was in fact observed in such places where these Lords and gentlemen had any interest ; particularly that the Earl of Argyll made Mr Douglas preach publicly in his house. This new practice, as it could not but give great displeasure to the established clergy, so we are told that they made very pressing complaints against it to the Regent, who answered, it was not then a fit time to enter upon these matters, but ere long she would find occasion to take order about them. And the truth is, she behoved then to manage very warily the Lords and others concerned in that affair ; because though the marriage of the young Queen her daughter with the Dauphin of France was in a manner already consented to in Parliament, it was not yet accomplished ; and she knew well enough how imprudent and unsafe it was for her to embitter the minds of any against her at that

¹ It hath been much controverted, what is meant by this *Book of Common Prayer* ; some persons strenuously affirming it to have been the Liturgy of the Church of England, and others as pertinaciously denying it. For my own part, I humbly think the affirmers need not be very solicitous to gain their point. However, I must take notice, that the first Liturgy printed at Geneva 1558, with a Preface dated 10th February 1556-7, is commonly called the Book of Common Order, and sometimes only that of Common Prayer—that in it there is no mention of lessons taken out of the Old and New Testaments—and that there is mention only of convening once a-week to hear some portion or place of the Scripture orderly expounded. What weight these observations may have, joined to the publication of that book, which was posterior to this regulation in Scotland, I submit to the judgment of the reader.—[The Book of Common Prayer was the Service Book of Edward the Sixth. Tytler's Hist. vol. vi. p. 99.—E.]

² [Until.—E.]

critical conjuncture, and before every thing was got accommodated that related to the marriage of her daughter.

On the 25th of March 1558, the Archbishop of St Andrews wrote a very civil letter to the Earl of Argyll, and with the bearer of it, Sir David Hamilton, sent a very artful commission, consisting of several heads, all tending to draw off that Earl from persisting in the practice of their new Regulations, and to persuade him to discharge Mr Douglas from any farther attendance upon him ; promising at the same time, that if his Lordship was desirous of a preacher to instruct him, he, the Archbishop, would provide him with a learned man that should teach nothing but true doctrine according to the Catholic Faith ; and in end the Archbishop gave the Earl to understand that he lay under a high reproach not only from the Queen, but from persons of all ranks and degrees, for being too remiss in his office ; and insinuated as if he should be forced to take a more narrow inspection into the prevailing practices, and bring the persons principally concerned to a condign punishment. To this letter and commission the Earl wrote a large and respectful answer, but such as shewed plainly he had neither a mind to comply with the Archbishop's request, nor stood afraid of his threats. It is well known that this Prelate was a wise and judicious man, and no doubt he perceived the impetuous current that then began to possess the minds of the people ; whereupon he has thought it the wisest course to try to regain them by gentle rather than stubborn means. It is likewise acknowledged even by Mr Buchanan, that he was not at all a man of blood ; and therefore I must incline to think that what fell out a very little after was given way to by him, either to make a trial of the effects it might produce, or merely to satisfy the importunity of those who clamoured against him. The matter was this : One Walter Mill, who in his younger years had travelled into Germany, and upon his return had been installed priest of the church of Lunan in Angus, upon an information of heresy in the time of Cardinal Beaton had been forced to abandon his charge, and had absconded ever since, was now taken in the town of Dysart in Fife, and carried to St Andrews, in order to his examination before the Archbishop and several of his Suffragans there convened, by whom he

was condemned to be burnt. He was a decrepit man, of eighty-two years of age; but it is reported that though it was hardly expected his voice could be heard, yet he delivered his mind with that courage and composure as amazed his enemies; and that when he was brought to the stake in order to be burned, he spoke thus to the bystanders—"The cause why I suffer this day is not for any crime, though I acknowledge myself a miserable sinner, but only for the defence of the truth of Jesus Christ; and I praise God who hath called me by his mercy to seal the truth with my life, which as I have received of him, so I willingly offer it to his glory; therefore, as ye would escape eternal death, be no more seduced with the lies of the Seat of Antichrist, but depend only on Jesus Christ and his mercy, that you may be delivered from condemnation." And it is reported likewise that he should have said—He trusted to be the last who should suffer death in this land upon such an account.¹ The spectators, it is said, were much moved with his words, and they took his death so grievously, that as a monument of it to future times, they made a great heap of stones in the place where his body was burned; and this they renewed several times, after it had been thrown down by order from the clergy, until at last they set a watch for apprehending any persons that should be found carrying stones to that place. This plain good man was put to death in the month of April, with this remarkable circumstance, as is recorded, that the Baillie of the Regality having refused to pronounce sentence against him, no other person could be found to supply his place as a judge; nor in the whole city could they purchase a cord for money to tie him with, after he should be condemned; and that for this reason his condemnation was prolonged for a day, till the next morning, that one of the Archbishop's domestics took upon him to officiate as a temporal judge, and condemned him to the fire, when the ropes of the Archbishop's pavilion, for want of others, were taken thence to bind him. What precise truth is in this cannot be determined, unless there were more certain docu-

¹ [Those who assisted Archbishop Hamilton on this occasion were the Bishops of Moray, Brechin, Caithness, and The Isles, the last also Titular Archbishop of *Athens*, the Abbots of Dunfermline, Lindores, and Balmerino. The trial took place in the cathedral church after the usual formality of a sermon.—E.]

ments to instruct the same. However, it is remarked that this man's death proved the death of Popery itself in this realm. And the truth is, it appears the clergy were so sensible of their affairs falling now into decay, that they never after had courage to proceed to a capital punishment upon account of religion; insomuch that in the Synod holden at Edinburgh in July this year, some persons that had been delated for heresy, were only condemned upon their non-compearance, to make a public recantation at the market-cross of that city on the 1st of September following, being St Giles's Day, the tutelar Saint of that city.

Meantime the Feast of St Giles approaching, the custom was to carry the image of that Saint in procession through the town, and the Queen-Regent was to honour the solemnity with her presence. But when the time of it was come, the image was amissing, having been stolen from its station by some who were too wise to favour it with their devotion. This caused a halt to be made, till another little image was borrowed from the Gray Friars, with which they set forward. And after the Queen had accompanied them a good way, she withdrew into the lodging where she was to dine. But she was no sooner gone, than some persons appointed on purpose, plucked the picture from the shoulders of those who carried it, threw it down into the dirt, broke it to pieces, and spoiled the glory of the whole pageantry.¹ The people hereupon fell a shouting, the priests betook themselves to their heels, and a great stir was in the streets for some hours after; till at last the Magistrates having quelled the mob, and the clergymen understanding there was more fear than danger, crept again out of their lurking holes; and being re-assembled, they judged it best to put on a face of confidence, hoping thereby to strike a terror into their enemies; and for this purpose they indicted a solemn meeting to be held

¹ [At this festival of St Giles, the tutelary patron of Edinburgh, the worthies who stole the image threw it into the then well-known lake called the North Loch. The neighbouring Grey Friars, who lent the small image to grace the procession—an ideal likeness or representative of St Giles being considered indispensable in that ceremonial, and which the mob in derision designated *Young St Giles*, were also present. The Queen-Regent's presence in the procession secured the clergy from insult or molestation, but she no sooner retired to dinner, than the tumult took place, the procession was dispersed, and *Young St Giles* was destroyed. Such is the local tradition in Edinburgh of this affair.—E.]

at Edinburgh the 7th or 8th day of November following. To this diet Paul Methven was summoned, but he not appearing, banishment was pronounced against him ; and a severe punishment denounced against those who should presume to receive or harbour him in their houses, or supply him with any necessaries to support his life. Nevertheless, the inhabitants of Dundee, where he mostly resided, were not at all terrified by that Commination ; for they still continued to entertain him, nay, and even dealt with the Regent, by some who were in favour at Court, that his banishment might be reversed. However, the interest of the clergy prevailed with the Queen, so that the former did not succeed.

Whilst these things were acting, that is, during the course of this summer, some persons travelled through all parts of the kingdom, soliciting subscriptions from the people to join in the work of Reformation, and not suffer themselves or their friends to be oppressed by a party not superior to them in number, and far inferior to them, if justice and truth be considered. And these succeeded so well in their circuits, that some being moved with zeal to religion, others out of a desire of change, and the greater part longing to be relieved from the oppression of the clergy, were easily moved to consent to what was proposed ; by which means the chief leaders perceiving their party was become considerable, and their numbers not inferior to their adversaries, they then, says Mr Buchanan, first assumed the name and title of the CONGREGATION, which became much more famous afterwards, by the multitudes of those who joined them. Perhaps, indeed, this might be the first time that the word *Congregation* was taken up, to denote the united body of those who pretended to set forward a Reformation in religion, in contradistinction to those who were then the Established Church ; but that this was not the first time these men had assumed the name of *Congregation*, is evident from their own Bond of the 3d of December the preceding year, lately mentioned, and inserted in these papers, in which though it be very concise, the reader may observe that they stile themselves no less than seven times the *Congregation* ; and that also with this singular speciality, as being *The Congregation of the Lord*, in opposition to those of the Church, whom they are pleased to call *The Congregation of Sathan*.

CHAPTER VII.

CONTAINING AN ACCOUNT OF STATE AFFAIRS FROM THE BEGINNING OF THE QUEEN DOWAGER'S REGENCY, ANNO 1554, UNTIL THE LAST PARLIAMENT THEREOF IN THE END OF THE YEAR 1558.

How soon Mary of Lorraine, the Dowager Queen, was vested with the Regency, anno 1554, she began to form to herself a new Court, to which she preferred a greater number of Frenchmen than was agreeable to the native subjects of the realm. One Vilmort was made Comptroller of the Royal Revenues; Rubay got the keeping of the Great Seal, and was constituted Vice-Chancellor of the kingdom, which was in effect to shuffle out the Earl of Huntly from his office of High Chancellor; and one Bonot was made Governor of the Isles of Orkney, a place of great profit. These preferments of the French to such considerable posts in the State and in the Royal Council, joined with a visible neglect of the Nobility of the kingdom, filled the minds of the people with indignation and discontent, which soon after broke forth in remonstrances and rebellion. Much about this time, Mary Queen of England and our Queen-Regent being united in matters of religion, resolved likewise to cement the two nations in a firm and lasting bond of peace. For this end commissioners were appointed to meet together from both sides, viz. Sir Robert Carnegie of Kinnaird, and Sir John Ballenden of Auchnoul, on the part of Scotland; and Sir Thomas Cornwall, and Sir Robert Bowes, on the part of England; but what were the Articles agreed upon by these Commissioners we know not, except these two, viz. "1st, That if any person of the one kingdom should forcibly take from another person of the other kingdom, any one fish or fishes¹ that had been caught by that other person, in that case the injuring person should pay twenty pence sterling, over and above any mulct that might be forfeited by former laws. And, 2d, That if any of either's subjects shall happen

¹ This respected chiefly the fishing on the borders about Solway, either in the sea or the rivers. See Lesley.

to come, by stress of weather or otherwise, into any part of either's kingdom, such persons shall be allowed to depart without any interruption, provided that he obtain a certificate of his arrival from the magistrate of the next adjacent port or town; and that during his abode he hath acted nothing contrary to the laws of the kingdom whither it hath been his lot to arrive."

The Queen-Regent also applied herself very much, in the beginning of her Regency, towards rectifying the disorders of the State. The laws relating to the administration of civil justice before the Session were much improved by the good and prudent advice of Mr Henry Sinclair,¹ Dean of Glasgow, and Vice-President of that Court. And in the month of July 1555 she called a Parliament,² wherein likewise several good laws were made for the peace of the country. And sometime thereafter she undertook a journey into the southern parts of the kingdom, in order to keep Justiciary Courts, and settle the country. She had the last year sent the Earl of Huntly into Muidart,³ and the western countries and isles thereabout, to suppress the insolences of the Highlanders. But he not answering her expectation, fell under her displeasure, for which he was committed prisoner, and was sentenced to be banished into France for five years, but the sentence was afterwards changed into a fine, and his Lordship was received again into favour. But the Earl of Argyll, together with the Earl of Atholl, were

¹ [Henry Sinclair, Dean of Glasgow, was a younger son of Sir Oliver Sinclair of Roslin, and a brother of the unlucky favourite of King James V. He was appointed an Ordinary Lord of Session by that monarch, and admitted in November 1537. Archbishop Dunbar gave him the Rectory of Glasgow in 1538; but that valuable preferment was also claimed, it is said, by a certain Cardinal, and in 1541 Alexander Hamilton, Abbot of Kilwinning, resigned that Abbey conditionally in his favour, but he resigned it in 1550 to Gavin Hamilton for the Deanery of Glasgow. He acted as Vice-President of the Court of Session during the absence of Bishop Reid of Orkney in France, and he succeeded that Prelate as Lord President of the Court. He was preferred to the See of Ross at the death of Panter.—E.]

² [This Parliament was held on the 20th of *June* 1555, and not *July*, as stated by Bishop Keith. *Acta Parl. Scot.* folio, vol. ii. p. 492. Forty-one Acts were passed, most of them excellent and important. The fortieth Act prohibited the old sports of choosing "sic ane personage as Robert Hude, Little John, Abbot of Unreason, or Queen of May."—E.]

³ [Or Moidart, a mountainous district in the north-west of Inverness-shire.—E.]

sent this year to take the charge of that commission, which these Noblemen performed to the Queen's great satisfaction. Nevertheless, the Highland Clans having soon after broke out of prison, to which they had been confined, the Queen found herself under a necessity to go north likewise, in order to chastise these disorderly rebels. In the summer 1556, the Parliament sat again, when the Regent granted pardon to several persons that had been forfeited upon account of the murder of Cardinal Beaton. This probably was designed, to gain the minds of the adverse party to a compliance with a bill that was quickly brought into the Parliament, by which it was proposed, that the estates of all the subjects should be entered into Registers, and that a certain portion should be paid out of them into a treasury, set apart to serve as a fund for raising of mercenary soldiers; by which means the Nobility and gentry might remain quiet at home, except at some extraordinary emergent, which an ordinary force could not resist. But this new project of an established tax and a standing force, for hitherto there was no such thing known in this country, was not at all acceptable to the people. The Nobility stormed at it, yet suppressed their displeasure, every one fearing, that if he should first oppose it, the whole envy of the refusal would fall upon him alone. But the gentry were more fierce and open, for about 300 Barons met together at Edinburgh, and sent Sir James Sandilands of Calder, and John Wemyss of that Ilk, men of great prudence and estimation, to the Queen, to represent to her "the novelty and ignominy of this taxation; that their ancestors had not only defended themselves and their estates against the English, when much more powerful than now they are, but also had made often inroads into England; and that themselves had not so far degenerated from their ancestors, but that they were willing to lay down their lives and fortunes for the good of their country when need required; yea, and that they were even obliged, by the tenure of their lands from the Crown, to be present themselves in the wars, and not to commit the management of the same to any other persons whatsoever; and that they could not innovate any thing in this matter, especially at this time when their Sovereign was under age." They represented likewise—"That mercenary soldiers, who had nothing to lose, would

never fight so heartily and courageously as those who had their own lives, their families and estates, at stake; and lastly, That by this new management, the minds of the Nobility and gentry of the kingdom would become so enervated, that they would easily become a prey to the first invaders."

After this remonstrance, the Queen-Regent fearing lest that tumultuous insurrections might ensue, did very wisely and readily give up any further prosecution of that design; and frankly owned, after being ripely advised, that these who had first put her upon it were no friends to the Commonwealth. It is related even by Mr Buchanan, that she was often heard to say—"No obscure men of the country were the authors and architects of that project;"¹ by which it plainly appears the Queen's penetration and judgment were no less conspicuous, in discovering and declining the dangerous consequences of such a mean of support to her Government, however much approved of since, than the equity and justice of her mind were eminent, in publicly confessing that to be hazardous to the subject, which must infallibly have rendered her state more firm, and her administration more secure, against the mutinous caprice of a turbulent people. The same author, and Bishop Lesly, do both of them declare, that this project was set on foot at first by the courtiers, as well *Scottish* as *French*. This was the first time that the resentment against the *French* ministers did publicly appear.

During the months of July, August, September, and October this year, commissioners² from Scotland and England repaired to the village of Dunse, in the county of the Merse,³ and drew up a Treaty of Peace betwixt the two nations. While this was a-transacting, the Queen went north to Inverness, where she kept courts, took cognizance of all crimes and misdemeanors, and severely punished the perpetrators of them. From thence she came to the towns of Elgin, Banff, Aberdeen, Dundee, and Perth, in all which she administered justice, and left the countries through which she went a great deal more peaceable.

¹ He mentions the Earl of Huntly and David Panter, Bishop of Ross.

² These for Scotland were the Bishop of Dunblane, Richard Maitland of Lethington, and James Macgill, Clerk of Register; those for England were the Bishop of Durham,³ [Berwickshire.—E.]

A fresh opportunity for shewing resentments against the *French* courtiers was this:—The Kings of France and Spain being at open war, the French King sent to the Queen-Regent, desiring her to declare war against England, according to the league subsisting betwixt the two Crowns; the occasion of which desire was, that Mary Queen of England was preparing to send forces into Flanders, to the assistance of her husband, Philip II. King of Spain. The Queen-Regent being inclined to favour the French interest, called together the Nobles of the kingdom at the monastery of Newbottle¹ in Mid-Lothian, and there requested them to concur in a declaration of war against England. But the Nobles, perceiving that this war was merely intended for the assistance of the French, and knowing very well that the English had invited commissioners from Scotland to treat about settling the Borders, and any controversies that remained unadjusted in the last year's treaty; and that the commissioners had actually met at Carlisle in the month of July, viz. Robert Reid, Bishop of Orkney, Henry Sinclair, Dean of Glasgow, and Sir Robert Carnegie, both Senators of the College of Justice, and the Lord Herries, Warden of the Western Marches, on the part of Scotland; and Cuthbert Tonsal, Bishop of Durham, the Lords Dacres and Wharton, on the part of England: I say, the Scottish Nobility perceiving the drift of this projected war, did modestly enough decline it, by telling the Regent that they could not give their suffrages for it, until they had more ripely considered the matter.

Meantime the Queen-Regent, by the advice of the *French* ministers, orders Monsieur D'Oysel to build a fort at Eyemouth, which lies near to Berwick, as reckoning the English would do their best to hinder a garrison from being erected so near them. The event answered the expectation, and thereupon the commissioners were recalled from Carlisle. A herauld is sent to denounce war against the Queen of England, unless she recalled her forces out of France; and a proclamation is emitted by consent of the Nobility, for a general rendezvous at Edinburgh. And accordingly a considerable

¹ [Newbattle Abbey, a modern seat of the Marquis of Lothian, near Dalkeith, anciently belonged to Cistercian Monks, and was founded by David I. Some vestiges of the old Abbey still remain.—E.]

army did advance towards Kelso, in the month of October, under the command of the Earl of Arran; the Earl of Huntly having before, with the forces that had attended the Queen, made two or three prosperous inroads into the English Borders, without meeting with any considerable resistance. But an affair fell now out, which made a very quick turn in the Queen's measures. For Monsieur d'Oysel, of his own motion, and without waiting an order from Council, carried some French troops and ordnance over the river Tweed, which so incensed the Nobility, now ready to catch at any thing that might give a handle to their return, that they very speedily agreed in council,¹ that they thought it not proper to invade England, and thereby venture the whole strength of the kingdom, but that the army might continue on our own Borders so long as it could be maintained. This was not what the Queen wanted, and therefore she gave orders for disbanding the army, and left only the French soldiers at Eyemouth, with some few of her own forces.

On the 14th of December 1557, a Parliament was holden at Edinburgh, in which the Queen-Regent ordered a letter² from the King of France, directed to the Estates of Scotland, to be laid before them, requesting, That some persons of the first rank might be sent into France, in order to witness the marriage of our Queen with his son the Dauphin,

¹ Thus the matter is related by Mr Buchanan, who likewise adds, upon what ground I know not, that the Nobles fortified their resolution of not invading England at this time at the humour of a private person, upon this ground, viz. "That they were never wont to obey their lawful Princes in that case." But Bishop Lesly relates, that the Nobles being called, and having given it as their opinion, that they ought not to invade England at this time, the Queen thereupon disbanded the army. But he speaks not a word of Monsieur de Oysel's attempt, though it is not unlikely but he may have industriously omitted that affair. Howbeit he seems freely to own, that this matter of the intended war with England, from first to last, did the Queen a great deal of harm, every body in a manner perceiving that her mind was wholly turned to serve the interests of the French King; and that her enemies, the abettors of the new doctrines, took occasion from thence to infuse into the people an aversion against her Government and religion.

² Mr Buchanan seems never to have seen it, when he says it contains a prolix enumeration of the ancient leagues between the two nations, and a long chain of fair promises from himself to this nation. There is nothing in the letter but what every person would have said on the like occasion. See a copy of it in the Appendix, Number IX.—[See also Acta Parl. Scot. folio, vol. ii. p. 502.—E.]

and to transact what might be proper for them on that occasion. In compliance with which, I perceive by the Records, a commission to have been given the same day to the following persons, to go over into France for that effect, namely, James Beaton, Archbishop of Glasgow; David Panter,¹ Bishop of Ross, Principal Secretary of State; Robert Reid, Bishop of Orkney, President of the Session; George Leslie, Earl of Rothes, a Privy Counsellor; Gilbert Kennedy, Earl of Cassillis, Lord High Treasurer; James Lord Fleming, High Chamberlain; George Lord Seton; James Stewart, Prior of St Andrews, natural brother to the Queen; and John Erskine of Dun.² I see also in the Records of Parliament a commission by our Queen, dated at Fountainbleau, 16th March 1557,³ to the very same persons, and to Antonia de Bourbon, Duchess of Guise, to be her Majesty's Procurators at the treaty of her marriage; and likewise a Procuratory, dated at *Risleburgh*,⁴ the 4th February 1557, from our Queen-Regent, to the same Duchess Dowager of Guise her

¹ This Prelate went not on this commission. It would appear by this time he had turned sickly, for he died first October next year at Stirling. He was a man of excellent learning, and notably skilled in the Latin tongue, as well appears by the Letters of State penned by him while he was Secretary to King James V. and the Governor the Earl of Arran, published lately under the title of *Epist. Reg. Scot. &c.* vol. ii. He was at first Prior of St Mary Isle in Galloway, and was elected Bishop of Ross in the year 1545; but before his consecration he was sent ambassador to the Emperor Charles V., Mary Queen of Hungary, Governess of Flanders, &c. and to the Court of France, where he resided in that quality until his return home in the year 1552, when he was solemnly consecrated in the presence of a great number of the Nobility at Jedburgh.

² It is a mistake of Mr Buchanan to say, that only three of these commissioners were of the Nobility, and two of the order of gentlemen, viz. George Seton and John Erskine; for it is certain that George Seton not only was of the same rank with James Fleming, i. e. they were both Lord Barons, but I am informed that Seton was the eldest Lord Baron in Scotland at the time.—[James fourth Lord Fleming and George fifth Lord Seton.—E.]

³ Whether this and the next Instrument do not both belong to the year 1557-8, as that of the 4th February certainly doth, I can't say; but the reader may depend upon these dates being exact.

⁴ Or *Lisleburgh*, as I also see it written; but what place it is I know not.—[*L'Isleburg* is the proper reading. Bishop Keith was not aware, when he wrote this part of his History, that Edinburgh was very commonly designated *L'Isleburg* by the French, but he afterwards discovered it, as appears from a note in the tenth chapter of his Second Book. It is likely that the name originated from the surrounding lakes, particularly the *North Loch* on the north, now Prince's Street Gardens, and the Borough Loch

own mother, to appear for her, and act in her behalf in the same affair. Though the Registers of this Parliament be lost, yet I am enabled to give the reader a pretty exact account of the instructions which were given to the Ambassadors from the Records of the next year's Parliament, from whence also I had a sight of the former papers, when these ambassadors presented themselves to give an account of their negociation. At which time they received a very honourable approbation of their management, in the body whereof is engrossed the substance, at least of all their Instructions, and that at much greater length than what is contained in the Parliament's nomination of the commissioners; which Instruments, upon that account, the reader will find in the Appendix.¹ The Instructions were in short, *1mo*, They have orders to obtain from their Sovereign before her marriage, by and with the advice of her Curators, and again after her marriage, by and with the advice of the King of France, and the Dauphin her husband, a ratification of the Act passed in the Parliament holden in the convent near Haddington, July 7th, 1548, touching the sending her Majesty into France. *2do*, To obtain from the King of France a ratification of his former promises made to the Duke of Chastelherault, for aiding and supporting him in his succession to the Crown of Scotland, if the Queen should chance to die without children of her own body. *Item*, To obtain a declaration to the same purpose from her Majesty and the Dauphin. *Item*, A discharge to the said Duke for all his intromissions with the public money, &c. during his government. *3tio*, To obtain from the Queen and Dauphin a promise, in ample form, to observe and keep the liberties and privileges of the realm of Scotland, and the laws of the same, whole and entire, as in the days of all her royal progenitors Kings of Scotland. *4to*, That the Queen and her future husband grant a commission for a Regent² to govern the kingdom of Scotland.

on the south, the bed of the latter being now the spacious parks or fields surrounded with trees, the public walks of which are a promenade for the citizens, called the Hope Park Meadows. Some small lakes were north of the North Loch, and some were on the east of the city, one of which, Lochend, is still seen.—E.]

¹ Appendix, Number X.

² This Commission was granted to the Queen-Mother anew, and the original of it is to be seen in our Records. Both the *Request* and the *Concession* serve to discover the partiality or unexactness of the author of

These I take to be the principal heads of the Instructions given to the ambassadors ere they went to France. They set sail from Leith in the month of February 1557-8, and in their passage they met with a violent storm, insomuch that one of their ships was lost about St Abb's Head soon after their departure, and another near to Bologne, in which port at last they all safely arrived, at least as to their persons.

Upon their arrival at the French Court, in the month of March, they quickly set about the performance of their Instructions, and easily obtained the Ratifications, Declarations, &c. which I have already mentioned; the true originals of all which are to be seen bound up with the Register of the Parliament 1558, according as they were presented to that Parliament by the ambassadors themselves at their return home. But it is choaking to hear of the perfidiousness of the

the History of the Reformation in England, if he meant that no such regulation was now taken care of, when he says thus, vol. 3d, p. 280, edit. 1715:—"It was a great piece of foresight (viz. in the treaty with England *anno* 1543) to secure the nation, by having a Governor with full powers still residing amongst them. In the subsequent treaty with France there was not that care and precaution used." If by *the subsequent treaty with France*, he mean a treaty of marriage different from this present one, though he were yet alive, it would cost him all his skill to find it out, except it were by *hearsay*. As to what this right reverend author says, p. 279—"It seems they (the Parliament) intended that no Peers should be created, but with the concurrence of the Parliament; for the Lord Governor, with the advice and consent of the Estates of Parliament, made the Lord Stewart of Ochiltree a Peer, to have vote and place in Parliament," the matter was this:—Andrew Stewart Lord Avondale, did in the year 1534 exchange that Lordship with Sir James Hamilton of Finnart for his Barony of Ochiltree; and the alteration of the title of Lord Avondale to that of Ochiltree was ratified in the Parliament 1542-3 in these express words—"The quhilk day my Lord Governour, with avise and consent of the three Estatis of Parliament, hes create, maid, and ordainit ane nobil and myty man Andrew Lord Avandale Baroun and Baroun-rent, and Lord of our Souvrane Ladyis Parliament, and to be callit he and his successouris in tyme to cume Lord Stewart of Ochiltre, and to haif vote and place in the Parliament as utheris Lordis of the Realme aucht and sould haif in the saim, haifand all honours and dignities efferand thairto." This is all the foundation the Bishop has for his observation. I suppose it is not unusual to ratify in Parliament such excambions of lands and new titles at this day, though nobody will thereupon infer that the Sovereign cannot create a Peer without consent of Parliament. Besides, I know not if a Governor or Regent of a kingdom can create a Peer by his own authority; perhaps not even by consent of Parliament. I omit to take notice of some other escapes in Dr Burnet respecting the dates of papers, &c.

French Court at that time. For notwithstanding all the solemn declarations made by that King, his son the Dauphin, and our Queen, yet in one day, viz. the 4th of April, they make the poor young Queen subscribe the three following papers, viz. *One*, wherein she makes over the kingdom of Scotland in free gift to the King of France, to be enjoyed by him and his heirs, in case she shall happen to die without children. *Another*, in which, lest, I suppose, that King might be disappointed in the former, she is made to assign to the King of France the possession of the kingdom of Scotland, after her decease without children, until he shall be reimbursed of a million of pieces d'or, or of any greater sum that he shall be found to have expended on her entertainment and education during her abode in France. And a *third*, the worst of all, by which the Queen declares, That although both before her marriage and after it, in compliance with the desire of her Parliament, she shall sign a declaration touching the lineal succession of her Crown, yet she protests that the genuine sense of her mind is only contained in the two preceding papers.¹

After the ambassadors had obtained every thing that was contained in their Instructions previous to the marriage, they afterwards, on the 19th day of April, proceeded to the marriage-contract betwixt their Sovereign and Francis, Dauphin of France. It was drawn up in the French language, and because some curious persons may perhaps desire to see it *verbatim* according to the original, I have put it in the Appendix,² but shall notwithstanding give the English reader a short account of its principal contents. It is, as I have said, dated the 19th day of April 1558, and contains an obligation to celebrate the intended marriage on Sunday thereafter, being the 24th of that month. The jointure assigned by it to our Queen is 60,000 livres, in case the Dauphin shall die King of France; or a greater sum, if

¹ Copies of these three Instruments are to be seen in a fine large MS. in the Lawyers' [Advocates'] Library, containing all the Treaties, &c. betwixt our Kings and the Kings of France. It is said this was transcribed from the Registers of France by order of the late King Louis XIV., and given as a present by that monarch to Graham Viscount of Preston, Minister from our King Charles II. to the Court of France, who requested to have this in place of a gift in gold.

² Appendix, Number XI.

such shall be found to have been ever given to a Queen of France ; and it provides 30,000 livres, in case her husband shall die being only Dauphin. The eldest son of the marriage to be King of France and Scotland ; the eldest daughter, in case there be no sons, to be Queen of Scotland only, and to be given in marriage by the advice of the King of France and the Estates of Scotland ; and besides her inheritance of this kingdom, to have, as a daughter of France, 400,000 crowns in portion, and each younger daughter 300,000 crowns. After the death of her husband, the Queen to be at liberty either to remain within France, or return into Scotland at her pleasure ; and to carry along with her, her servants, cloaths, jewels, and such other things as belong to a Queen of France ; and to have her jointure duly paid her, in what place soever she shall choose to abide. The commissioners from Scotland to give presently after the marriage, in name of the Estates of Scotland, an oath of fidelity to the Dauphin, during the subsisting of the marriage. And the Dauphin shall bear the name and title of King of Scotland, and have his arms quartered with those of Scotland ; and when he comes to be King of France, shall bear the titles and arms of the two kingdoms of France and Scotland united under one Crown. And to this all parties concerned did likewise promise and swear.

In consequence of this contract, the marriage betwixt Francis, Dauphin of France, and Mary, Queen of Scotland, was solemnized at Paris on Sunday the 24th of April 1558, the ceremony being performed by the Cardinal of Bourbon, Archbishop of Rouen, in the cathedral church of Nostre Dame or Our Lady. And upon the 28th of that month, the commissioners from Scotland took an oath of allegiance to the King-Dauphin and the Queen, in name of the Estates of Scotland, a copy whereof see in the Appendix.¹ Thus far we are led in a sure path by the faith of public Records ; but now we must again have recourse to our historians. After some time was spent in nuptial feasting and mirth, we are told by Mr Buchanan, that the Scottish Commissioners were called into the Royal Council of France, where the Chancellor of that kingdom recommended to them, to deal

¹ Appendix, Number XII.

with the Parliament of Scotland, to deliver up to the husband of their Queen the Crown and other ensigns of Royalty, and that he should hereafter be styled and declared King of Scotland. To which, that author says, they made answer—That they had received no commands concerning that matter. And that when the Chancellor replied, no more was desired of them at present than what was in their power, viz. that when these matters should come to be proposed in the Parliament of Scotland, they would give their suffrages in the affirmative, and in the mean time give it under their hands that they would do so; their answer was—That their embassy was limited by certain Instructions, which they neither could nor would transgress; but if they had been left free from all restriction, yet it was not the part of faithful friends, to require that of them which they could not grant without certain infamy and treachery, though there were no danger of life in the case:—that they were willing to gratify the French, their old allies, as far as the just laws of amity required, and therefore they desired them to keep within the same bounds of moderation in making their demands. Thus far this author, who seems to say, that soon after this the ambassadors were dismissed from Court. It is indeed certain that there was such a motion as this made in France, as I shall soon have occasion to inform the reader; but whether it underwent all these different steps, I cannot say. Another of our historians informs us, that during the abode of our commissioners in France, James Stewart, Commendator of the Conventual Priory of St Andrews, the Queen's natural brother, being wearied of an ecclesiastick life, made suit to the Queen to be created Earl of Moray; but that the Queen, being advertised of this design by her mother, exhorted him to continue in his sacred function, to which his father had destined him; and the better to persuade him to do so, she gave him hopes of Church preferments both in France and Scotland; which refusal he took in so ill part, that ever thereafter he set himself to oppose the Queen-Mother.

After the Commissioners were come the length of Dieppe, there to embark for Scotland, it is very remarkable that no less than three of their number died in that place, viz. the Bishop of Orkney on the 6th of September, the Earl of

Rothés about two days after, the Earl of Cassillis¹ on the 14th of the same month; and the Lord Fleming having sickened there, returned to Paris, where he died on the 18th of December. Several persons also of their retinue having died, and all this falling out at a time when there was no pestilentious disease in the country, created in the minds of men a strong suspicion of poison, and did very much contribute to sharpen the hatred against the French. And even Mezeray, the French historian, seems to assent to the suspicion of poison, by the contrivance of the Duke of Guise and his brothers, lest these commissioners should put a bar to their intended measures against this kingdom. The other four commissioners arrived at Montrose, a town lying on the north side of the river South Esk in Angus, in the month of October; and immediately after their arrival, a Parliament was summoned to meet at Edinburgh, on the 29th of November 1558. And because Bishop Lesly tells us that this Parliament was fully convened, in order, no doubt, to hear the report of the ambassadors, I shall here give the number of the members, as I find them in the Rolls. They are as follows, viz. seven Bishops, sixteen Abbots, thirteen Earls, fifteen Lords, two Masters, ten for the Burrows; in all, sixty-three.²

On the first day of the Parliament, the four Commissioners who had the good fortune to return home safe, exhibited the several papers which have been already named, as being the

¹ Though Bishop Lesly gives these dates, yet it is very doubtful whether they be exact as to the death of the Earls of Rothés and Cassillis, since in the Register of the Parliament holden the 29th of November 1558, mention is made of these two Earls as remaining yet in the parts of France.

² The reader is not to think that I have here omitted the representation of the shires in Parliament, for at that time the Earls, Lords, and Masters, are all marked in the Rolls under the title of *pro Baronibus*. And yet sometimes we meet with the Order of *Barones*, as well as those of *Comites*, *Domini*, and *Magistri*. Gentlemen came seldom to the Parliament.—[In this Parliament were the Archbishops of St Andrews and Glasgow, four Bishops, and sixteen Abbots, as Bishop Keith states, and the Earls were only thirteen in number—Atholl recorded as "*per procuratorem*," which reduces them to twelve. Bishop Keith's other statements are correct. *Acta Parl. Scot.* folio, vol. ii. p. 503. The Duke of Chatelherault, though not recorded as present at the opening of the Parliament, was chosen one of the Lords of the Articles, as was also the Abbot of Holyroodhouse, who was in a similar position.—E.]

authentic documents of the success of their negociation ; and together with these, an Act of Naturalization granted by the King of France to all Scotsmen, to enjoy all the privileges and immunities of the natural born subjects of his kingdom.¹ Which papers having been seen and read in the Parliament, an Act was passed that same day, declaring them to have faithfully and honestly discharged the office and trust reposed in them. Next I find in the Records of the same date, an account of the project for honouring the Dauphin with our Crown, and the title of King. I shall not pretend to give the reader any abstract of it, but rather choose to satisfy his curiosity, by inserting here the motion made by the commissioners to that effect in face of Parliament, and the Act that immediately followed thereupon.

“ *Item*, the foresaid Commissionaris, eftir the schawing and delivering of the Quien’s Grace our Soverane’s writtingis, direct to the Thrie Estatis in general, and als her Hienes special particular writtingis direct to severale personis of the said Estatis, haifand the credite referrit to thame, declarit that our said Soverane desyrit the Thrie Estatis of her Realme suld finde it gude, and consent thairto, that hir Hienes may honor hir spous, the King Dolphine, with the crowne matrimonial, be way of gratificatioun during the marriage, without ony manner of prejudice to hir Hienes self, the successioun of hir body, or lauchful successioun of hir blude quhatsoever. And this crowne to be send with two or thrie of the Lordis of hir realme, to the entent that the maist Cristin King, and King Dolphine, hir husband, may understand with quhat zele and affectioun hir subjectis are myndit to observe and recognos hir said spous. The Quenis Grace Dowriare and Regent, and Thrie Estatis foresaid, hes thocht and declarit the said desire gude and ressonabill, and consentis thairto during the mariage allanerlie, but prejudice of our Soverane Ladie, the successioun of her

¹ In retaliation of the Act of Naturalization granted by the King of France to all Scottishmen, our Parliament at this time passed a like Act of Naturalization of all Frenchmen, to enjoy the privileges of home-born subjects ; copies of both which Acts are to be seen in our printed Acts of Parliament.—[This Act is not in the Collection, under this date, printed by command of George III.—E.]

bodie, or lauchful successioun of hir blude quhatsumevir, and liberteis of this realme, and thairfore hes ordainit and ordanis A, B, C, or ony of thame, sick as plesis the Quenis Grace to name, to pass with the said Crowne to the effect foirsaid allanerlie.

“*Item*, The Quenis Grace Dowriar and Regent foirsaid, and Thrie Estatis of Parliament, ordanis the Commissioun or Commissiounis to be maid to the Commissionaris depute to pass with the Crowne matrimonial, conform to the Act maid thairupon, to pass in the haill Estatis names, and to be seilit with sex of the principale of every Estate, and subscribit with thair handis. Quhais seillis and subscriptionis sall be als autentick and sufficient as and the samyn wer seillit and subscrivit with every perticulare persoun of the said Estatis havand voit in Parliament, as said is.”

After this Act, there is to be seen in the same Records, a long protestation entered in Parliament by the Earl of Arran, the substance whereof is contained in the following clause:—“ That notwithstanding ony Counsale or consent beis gevin in this rynnand Parliament, othir in generale be the Thre Estatis, or ony parte thairof, to the coronatioun of the sade mast excellent and puissant King Daulphine; or quhat contract or consent it sall happin ony persoun or personis that passis thairwith, or sall be depute thairto be Commissioun, to mak or gife to the sade Coronatioun; that the samyne na way prejuge us and the rychtius blude foresade, anent the successioun and titill that every ane of us may have to the sade Croun; bot that wi may succid thairto immediately, ilk ane in our awn degre, gife it sall happin, as God forbid it do, our sade Soverane departe of this mortale life without airis ischeit of hir body, conform to equitie, ressoun, and the sade Christin Kingis promis, with ratificatioun bayth be his Hieness self and the sade King Delphine, befoir and eftir the contracting of the sade marriage, the lawis of this realme, and articlis that wes directit and obtenit be the Commissionaris for completing of the said mariage.”¹

By this account the reader distinctly perceives all that

¹ [Acta Parl. Scot. folio, vol. ii. p. 506, 507.—E.]

past in Parliament, with respect to this whole affair of the marriage of our Queen. I shall only add, that whereas it hath been a very current report that the last mentioned Act, concerning the Crown matrimonial, was brought to bear by the art and rhetoric of French ambassadors, as related by Mr Buchanan, I can assure the world there is not one syllable of an ambassador from France to be met with, nor is there any mention made of the particular persons that were nominated by the Queen to pass into France, to carry the Crown matrimonial thither; though I doubt not but her Majesty did, according to the power she was invested with by the Parliament, nominate the Earl of Argyll and the Prior of St Andrews to go on that errand, as the above mentioned historian and Bishop Lesly do both relate. But whatever be in this, certain it is, that our Crown was never sent into France; nor do these historians say that the two persons above mentioned went thither. On the contrary, they tell us, that being either not much inclined of themselves to undertake the journey, or being dissuaded by those of their own party, for they were both mighty favourers of the projected Reformation, who were afraid that during their absence they might stand in need of the great power of the Earl of Argyll, and the crafty wit of the Prior of St Andrews, they shewed no great inclination, but delayed from day to day to fit up their equipage; and at last gave up all thoughts of going upon that embassy, by reason of some things which fell out about that time, as shall be related in the next Chapter. There is nothing else material to be met with in the Records of this Parliament, which seems to have sate only two days, except that on the 5th of December, the Acts of Forfeiture past against Crichton of Burneston and Cockburn of Ormiston, on the 14th of December 1548, for aiding and assisting the English in the spring of that year, were now reversed.¹

Mary, Queen of England, having died on the 17th day of November in this year, and things having succeeded so favourably for the French interest in our Parliament; this so buoyed up the leading men at that Court, who were

¹ [The "Process of Reduction" of the Forfeiture of Alexander Crichton of Brunstane, and John Cockburn of Ormiston, was passed on the 5th of December. Acta Parl. Scot. vol. ii. p. 520, 522.—E.]

chiefly the Family of Guise, uncles to our young Queen, that immediately upon hearing the account of the Queen of England's death, they declared our Queen to be Queen of England by right of blood, in exclusion of Elizabeth, daughter indeed to King Henry VIII., but born, as was alleged, of an unlawful bed, whilst that King's wife, the mother of the lately deceased Queen Mary, was yet alive. And in consequence of this recognition, the arms of England were engraven and quartered with the arms of Scotland and France, on all the plate and household furniture belonging to our Queen and her husband the Dauphin. Whatever right our Queen might claim to the Crown of England, yet there could not be a more improper juncture than the present to make declaration of that right, seeing the affairs of Scotland were in great perplexity at this time, by reason of the prevailing force of the favourers of the new doctrines, and that England seemed to be pretty unanimous in defence of their new Queen, who, as she was a woman of quick natural parts, and of a religion contrary to that of our Queen, laid this action of the French Court so much to heart, that she took all methods thereafter to support those of her persuasion within Scotland, and consequently to humble our Queen's authority, the particulars whereof will best appear in all the subsequent parts of this History during her reign.¹

N.B.—Because after this period, matters ecclesiastical, if they can be so called, did entirely take up the whole attention of the Regent and her Council, any affairs relating to the State being altogether blended with and lost in these ; or perhaps, to speak more properly, because all *Church-Matters* were henceforth turned into a *State-Policy*, I shall not be able, at least for some time, to treat separately of these affairs, but shall be necessitated to lay them before my readers under the general title of *Public Affairs*.

¹ [The above proceedings, imprudent, ill advised, and most injudicious, of declaring the Scottish Queen Mary to be Sovereign of England, to the exclusion of Queen Elizabeth, and the quartering of the arms of England with those of Scotland and France, were eventually fatal to Queen Mary. The whole was considered an insult which was never forgiven by Queen Elizabeth, and when we recollect her character, this is not surprizing.—E.]

CHAPTER VIII.

CONTAINING AN ACCOUNT OF PUBLICK AFFAIRS, FROM THE MONTH OF NOVEMBER 1558, UNTIL THE TAKING OF THE TOWN OF PERTH BY THE CONGREGATION, IN THE END OF JUNE 1559.

HAVING already given an account of the first rise of the *Congregation*, a name that came afterwards to be much talked of in Scotland, as being the common appellation by which those persons did denominate themselves, who entered into an association to promote a Reformation, such as it was, in religion, and to set up a separate *Form*, agreeable to their own notions, and for that purpose to defend each other mutually against all opponents whatsoever; the thing that comes naturally now before us is, to follow forth the subsequent steps made by those of the Congregation, in order to accomplish the business for which they had formed their association. But before we advance, it will not be amiss to observe that their agents could not so privately travel into the several counties, nor subscriptions so latently be obtained, but the Court must have information thereof; and accordingly we find that the Queen-Regent did lay the matter so to heart, especially now that Mary the *Popish* Queen of England was dead, and Elizabeth a *Protestant* advanced to that throne, that she laboured what she could to make up the differences that had arisen in point of religion, though there is no doubt but she would have laboured still more, had she suspected what very quickly followed.

For the sticklers for a Reformation understanding, by the numerous subscriptions that were returned, that the greater part of the populace were inclined for them, and foreseeing by their numbers that matters would soon come to an extremity, it not being probable that their adversaries would join party with them, and that they themselves were resolved not to be overawed by a party less considerable than themselves; they therefore, by joint consent, that they might not seem to contemn the legal authority, determined to present their demands to the Queen-Regent and her Council; to

which they prefixed a pretty large preamble, which I take the freedom to present here to the reader.

“ The first Oration and Petition of the Protestants of Scotland to the Queen-Regent.

“ Albeit we have of long time containd ourselves in that modestie, most noble Princesse, that neither by exile of body, losse of goods, nor perishing of this mortall life, was able to convene us, to aske at your Grace reformation, and redresse of those wrongs, and of that sore grieve patiently borne of us, in bodies and minds, of long time ; yet are we nowe, of very conscience, and by the feare of our God, compelled to crave, at your Grace’s feet, remedy against the most unjust tyrannie used against your Grace’s most obedient subjects, by those that be called the Estate Ecclesiastical. Your Grace cannot be ignorant, what controversie hath bin, and yet is, concerning the true religion, and right worshipping of God ; and how the Clergie, as they will be termed, usurpe to themselues such empire above the consciences of men, that whatsoever they commaund must be obeyed, and whatsoever they forbid must be avoyded, without farder respect to God’s pleasure, commaundement, or will, revealed to us in his most Holy Worde ; or else there abideth nothing for us but fagot, fire, and sword. By the which many of our brethren most cruelly and most unjustly have bin stricken of late years within this realme ; which nowe we finde to trouble and wounde our consciences. For we acknowledge it to have bene our bounden duties before God, either to have defended our brethren from those cruell murtherers, seeing we are a parte of that power which God hath established in this realme, or else to have given open testification of our fayth with them. Which now we offer ourselves to doe, lest that, by our continuall silence, we shall seeme to justifie their cruell tyrannie : which doth not only displease us, but your Grace’s wisdom most prudentlie doth foresee, that for the quieting of this intestine dissention, a publicke reformation, as well in the religion, as in the temporall government, were most necessarie. And to the performance thereof, most gravely and most godly, as we are informed, ye have exhorted, as well the Clergy as the Nobilitie, to employ their studie, diligence, and care. We therefore of

conscience dare no longer dissemble in so weighty a matter, which concerneth the glorie of God, and our salvation: neither now dare we withdrawe our presence, or counsell, or petitions, lest that the adversaries hereafter shall object to us, that place was graunted for reformation, and yet no man sued for the same, and so shall our silence be prejudiciall unto us, in time to come. And therefore we, knowing no other order placed in this realme but your Grace and your grave Counsel, set to amend, as well the disorder ecclesiastical, as the defaults in the temporal regiment, most humblie prostrate ourselves before your feete, asking justice, and your gracious help, against them that falslie traduce and accuse us, as that we were heretikes and schismatikes, under that colour seeking our destruction; for that we seeke the amendment of their corrupted lives, and Christes religion to be restored to the originall puritie. Farther, we crave of your Grace, with open and patent eares to hear those our subsequent requests; and, to the joy and satisfaction of our troubled consciences, mercifullie to graunt the same, vnlesse, by God's playne word, anie be able to prove that justly they ought to be denied."¹

In this petition the reader will observe two things that are not a little remarkable. One is, they declare—"That hitherto neither the exile of body, loss of goods, nor perishing of this mortal life, had been able to make them ask Reformation at her Majesty, and redress of those wrongs, but that now they are compelled to crave it by very conscience and the fear of God." Now, though it is no easy matter to judge of the consciences and thoughts of others, yet one may, without breach of charity, be tempted to suspect that a confidence in their numbers, as much as any thing else, had so inspired these *Congregationers* with courage and resolution to do then what they had not dared to do before. The other remarkable paragraph in their supplication is—"That they acknowledge it to have been their bounden duties before God, either to have defended their brethren from their cruel murderers, seeing," say they, "we are a part

¹ [With this "oration" or "petition" the Second Book of John Knox's History of the Reformation commences. It is polite and civil when compared with others which followed.—E.]

of that power which God hath established in this realm ; or else," &c. Compare this with these following words, viz.—
“ We knowing no order placed in this realm but your Majesty and your grave Council, set to amend, as well the disorder ecclesiastical, as the defaults in the temporal regiment.” Might not the Queen and Council, after comparing these expressions together, be a little startled at the subtlety of the doctrines of these supplicants, and easily prognosticate what would follow, according as their power and force increased ? And indeed Mr Buchanan very honestly acquaints us with what they themselves reckoned on as the consequence, should the Queen-Regent refuse her consent to their supplication and demands. For in that event he tells us, it was the common opinion, that the multitude could not be restrained from an insurrection ; which, in other terms, was much the same as to declare, that in such an event, there certainly shall be an open rebellion.

The demands annexed to the Supplication were these—

“ I. That it may be lawful to meet publicly or privately to common prayers in the vulgar tongue, to the end they might grow in knowledge, and be induced, in severity of prayer, to commend to God the holy universal Church, the Queen our Sovereign,¹ her honourable and gracious husband, the ability of their succession, her Grace the Regent, the Nobility and whole Estate of this realm.

“ II. That it shall be lawful for any qualified person in knowledge, to interpret any hard places of scripture that shall happen to be read in the meetings.

“ III. and IV. That Baptism and the Lord’s Supper be administered in the vulgar tongue ; and this last in both kinds, according to our Saviour’s institution.

“ V. That the wicked and scandalous lives of Churchmen be reformed, according to the rules contained in the New Testament, the writings of the ancient Fathers, and the Laws of Justinian the Emperor. Which three they are willing shall decide the controversy betwixt them and the present clergy.²”

¹ How defective these men were in this, their future behaviour will best evidence.

² [In Knox’s History of the Reformation, Glasgow edition, p. 120, 121,

We understand by Mr Buchanan, that these demands and supplication were presented to the Queen-Regent by Sir James Sandilands of Calder, about the time of the sitting of the Ecclesiastick Convention at Edinburgh, in the month of November 1558,¹ mentioned in the foregoing Chapter of Church Affairs. The same author tells us likewise, that demands to the same purpose were presented to that Convention by the gentlemen of the Congregation, and that the clergy were willing to have allowed Prayers, Baptism, and the Holy Communion, to be performed in the language commonly used in the country, provided that the reformers would keep up the *Mass*, and acknowledge a *purgatory* after this life, and prayers to the *saints* and for the *dead*; but as to the election of parish ministers, the Canons of Councils behoved to take place. It is also related by the same hand, that in this ecclesiastick assembly, the Bishops were appointed to take information, in their several Dioceses, of such persons as neglected to give obedience to the laws of the Church; and that when Mr Erskine of Dun came to them from his brethren of the *Congregation*, to ask a toleration to worship God in their mother-tongue, he was sent back with nothing but threats and reproaches. With respect to the reception which the supplication met with from the Queen, though it be certain her Majesty relished it no better than did the clergy, yet because the Parliament was approaching, wherein the commissioners that had been present at her daughter's marriage, of which number Mr Erskine of Dun was one, were to give an account of their reception, &c. in France; and in which Parliament, the Queen still wanted some Acts to pass in favours of her son-in-law the Dauphin of France, she thought it best to keep them in hope, telling them—That all they could lawfully desire should be granted them in a proper season, and that for the present they might use their prayers, &c. in the vulgar tongue; but with

this "Petition," containing the demands of the new Reformers, is more extended. Bishop Keith gives merely the substance.—E.]

¹ It is evident from the first demand, that the Queen was married before they were presented, and yet Mr Knox says, that Walter Mill was put to death sometime after the presentation of the demands, whose execution, nevertheless, he fixeth to the 8th of April 1558, which was above two weeks before the Queen's marriage. But that writer has formerly told us, that he relates *facts*, but is no observer of *times and seasons*.

this exception, that they should not assemble publicly in Edinburgh or Leith, for preventing of tumults. And Mr Knox informeth us, that the Congregation departed from the Queen fully satisfied with her answer; and he farther says, that they used themselves so quietly, that for her pleasure they put to silence Mr John Douglas, who would have preached in the town of Leith.¹

At the time of the meeting of the Parliament, in the latter end of November 1558, those of the Congregation, did with one consent, frame a humble supplication to that supreme Court, to which were annexed these following requests²—

“I. That all Acts of Parliament, empowering Churchmen to proceed against them as hereticks, may at least be suspended, until a general council of the Church, lawfully assembled, shall decide the present controversies in religion, and that in the interim Churchmen be only allowed to *accuse*, but not to *judge*.

“II. Lest this preceding demand should seem to set all men at liberty to profess what religion they pleased, therefore the Parliament are requested to enact,—That transgressors of this kind be carried before a temporal judge, reserving power only to Churchmen to accuse as above, with this special proviso also, that an authentic copy of the accusation,

¹ [“The Queen Regent” writes Knox in his usual scurrilous and prejudiced style—“Ane woman crafty, dissimulate, and false, thinking to make her profit of both parties, gave to us permission to use ourselves godly according to our desires, providing we should not make public assemblies in Edinburgh or Leith, and did promise her assistance to our preachers, until some uniform order might be established by a Parliament.—We nothing suspecting her doubleness, nor falsehood, departed fully contented with her answer, and did use ourselves so quietly, that for her pleasure we put silence to John Douglas, who publicly would have preached in the town of Leith, for in all things we sought the contentment of her mind, so far furth as God should not be offended with us for obeying her in things unlawful.” History of the Reformation, folio, Glasgow edition, 1733, p. 121, 122. A grosser misrepresentation of the conduct of the Queen Regent by Knox and his associates could not have been penned. He subsequently charges the Queen-Regent with “consenting” to the execution of Walter Mill—an affair of which she probably knew nothing.—E.]

² [In Knox’s History are the “Form of the Letter given to the Parliament,” a long document, and also the “Form of the Protestation [to be] made in Parliament.”—E.]

depositions, &c. be delivered to the person accused, and that the judge allow him a competent time to answer the same, after having taken sufficient bail for his appearance at the day appointed.

“ III. That all defences competent in law be allowed to the persons accused, and they to be at liberty to except against witnesses according to law.

“ IV. That the party accused be allowed to interpret his own mind and meaning, and that his declaration be preferred to the deposition of any other witness whatsoever, seeing no person ought to suffer for religion, that is not found to be obstinate in his opinions.

“ V. That none of the *Congregation* be condemned for heresy, unless they be convicted by the word of God, to have erred from the faith which the Holy Scripture witnesseth to be necessary to salvation.”

This petition, with the annexed demands, were first shown to the Queen-Regent, and it seems they expected her assistance in getting them past into a law by publick authority; but she told them that *now* was not a proper time for preferring their requests to the Parliament, where so many Churchmen did sit, who would undoubtedly oppose her, not only in that, but in all her other affairs, which at that time were very great; but, said she, how soon order can be taken with these things, which might now be hindered by the Churchmen, ye shall know my good mind, and in the meantime, whatsoever I may grant unto you shall gladly be granted. But this answer of the Queen not satisfying the leading men of the party, and they, knowing that their demands could not be passed into a law without her Majesty's consent, saw themselves brought under a necessity of complying so far, as to forbear presenting them to the Estates, and to rest satisfied with offering a protestation, which it is said was read in Parliament, but when they desired it might be inserted in the Records thereof, that was denied them; only the Queen-Regent told them, that she would remember their protest, and should put a good end to all things that were then in controversy among them.¹ And indeed Bishop

¹ [“These our Protestations publicly read,” says Knox, “we desired them to have been inserted in the Common Register, but that by labours

Lesly acquaints us how that the Queen took much pains to prevent the divisions that appeared to encrease in the minds of the people concerning religious matters; and for that purpose she recommended mutual entertainments and banqueting among the Nobility, as being a prevalent mean of cementing differences and animosities. But her Majesty's good example and advice was utterly slighted, and therefore she went upon another expedient, which was to convene at Edinburgh all the ecclesiasticks of the kingdom that were known to be men of learning and capacity, that they might fall upon some method to heal the present sores that had infected the body of the Church. The same author tells us that this Synod sate down on the 2d of March,¹ and that

of our enemies was denied unto us. Nottheless the Queen-Regent said—' We will remember what is protested, and we shall put good order after this to all things that be now in controversy.' ” This was a mild and prudent answer, yet Knox raged because the illegal protests of his associates were not allowed to be inserted in the Records of Parliament.—E.]

¹ It would appear to have been this Synod that Mr Knox says was sitting, when he arrived in Scotland in the beginning of May 1559.—[Sir James Balfour (Annals, vol. i. p. 313) notices this Synod in his usual coarse style—“ In the beginning of the year 1559, the clergy keep a solemn Synod at Edinburgh, to advise anent the most assured props they could to uphold the tottering Hierarchy. To them the Professors of the Gospel gave in some Articles, whereat the Bishops and clergy fumed and raged, but instead of answering them, they published a number of Articles, indeed blasphemies, against Christ, his Evangel, and the professors of the same.” Such language, distorted by partizanship, defeats its own object, and is moreover a gross misrepresentation. The history of the matter is simply, that at the instance of the Queen-Regent a Provincial Synod was held at Edinburgh, and the deliberations appear to have differed little from those of former Councils. Several persons under prosecution for heresy were ordered to make a public recantation at the Cross of Edinburgh—a sentence, which, it is almost needless to observe, they utterly disregarded. Erskine of Dun appeared before the Synod on the part of the self-styled “ Professors of the Gospel, or “ Congregation,” beseeching the Bishops to desist from violent measures, and to comply with the popular request that the public services of the Church should be performed in the common tongue. This demand was rejected; the Decrees of the Council of Trent were again declared obligatory on the Scottish Church; some enactments were ratified on the observance of celibacy, and Bishop Hepburn of Moray, imagining them to be applicable to himself, justified his own conduct by referring to the example of Archbishop Hamilton. The Poems of Sir David Lindsay of the Mount were also condemned. This was the last Provincial Synod of the Church held in Scotland during Roman Catholic times.—E.]

those of the Congregation then presented to the Queen-Regent some Articles of Reformation, in matters of religion, supplicating her Majesty for her consent to the same : which supplication the Queen delivered to the Synod, by the hands of the Earl of Huntly, Chancellor of the kingdom. The Articles are much the same with these formerly presented to her Majesty. However, I shall here insert them as they are recorded by that right reverend writer.

“ I. That public prayers be conceived, and the Sacraments administered, in the vulgar tongue.

“ II. That Bishops be elected by the consent of the gentry of the Diocess, and parish priests by consent of the parishioners.

“ III. That such incumbents as are insufficient for discharging the pastoral office be deprived of their benefices, and others put into their offices, who shall be found qualified and willing to instruct the people by constant and daily preaching.

“ IV. That all such Churchmen as are either immoral or unlearned, be excluded from the administration of the Sacraments, and other ecclesiastical functions.”

The forementioned Author informs us, that after a long debate upon these Articles, the Synod returned the following Answers—

“ I. That they could not dispense with the using of any other language than the Latin in the publick prayers, &c. as being appointed by the Church under most severe penalties, which cannot be infringed without violating the majesty of God.

“ II. That what is decreed by the Canon Law, concerning the election of Bishops and Pastors, ought to be maintained entire. And moreover, seeing the election of Prelates was a privilege belonging to the Crown, which required only the consent of the Pope, to determine any thing in opposition thereto, at a time when the Queen was so young, would be a piece of very high indiscretion and insolence, and a treasonable incroachment upon the royal prerogative.

“ III. and IV. That as to the other two Articles, they

agreed, that the Decree of the Council of Trent shall take place, whereby all Churchmen, of what rank and dignity soever, are obliged, within six months, either to discharge their offices in person, or be deprived of their benefices."

The forementioned gentleman informs us that the Queen, perceiving what was the mind of the Synod, did put on a resolution to assist the Churchmen in every thing, upon account of which, and of some words that had dropt from her Majesty, as if she intended by some eminent example to restore the royal authority, those of the Congregation apprehending a storm to fall on them at that time, gave commission to Alexander Earl of Glencairn, and Sir Hugh Campbell of Loudon, Sheriff of Ayr, to repair to the Queen, and to beg her not to molest their ministers, unless they could be charged with preaching false doctrines, or behaving themselves disorderly. To which the Queen is said in passion to have replied—That maugre all they could do, these ministers should be banished, though they preached as soundly as ever St Paul did. The Earl and Sir Hugh marvelling to see her Majesty so commoved, humbly besought her to call to mind the promise she had often made them. She answered, as they tell it—That promises of princes were no farther to be urged upon them for performance, than it stood with their conveniency. Whereupon they rejoined—If this be the resolution you have formed, we cannot any longer own your authority, but will henceforth renounce all allegiance unto you. And withal they advised her to consider what inconvenience was likely to ensue thereupon. This unexpected answer calmed the Queen a little, so that after a few words more, she said—She would think how to remedy those evils in the best and most quiet manner. But soon after advertisement being brought to her Majesty, that one of their ministers had preached publicly in the church of Perth, she was much disturbed at the news, and calling to her Patrick Lord Ruthven, then Provost of that city, she commanded him to go thither, and suppress those tumults and novations in religion. His answer was—"That he should make their bodies and goods subject to her, but as for their minds and consciences, he had no power over them;" at which answer she was so displeased, that she vowed to make both him and

them repent what they had done. Then she gave orders to James Haliburton, Provost of Dundee, to apprehend Paul Methven, and send him prisoner to her ; but he being beforehand advertised by the Provost, slipped out of the town, and so escaped. The Queen being much affected with these different occurrences, and likewise finding that her orders concerning the observation of the Easter solemnities, had been totally disobeyed by those of the Congregation, she cited all their ministers¹ throughout the kingdom, to appear at Stirling on the 10th of May.² The which diet approaching, the professors of the new doctrines in all parts of the country made preparations to accompany their preachers thither ; but especially throughout the shires of Angus and Mearns³ their zeal was so fervent, that few remained at home, but all would needs conduct their ministers. And having advanced as far as Perth, they deputed the Laird of Dun to the Queen-Regent then at Stirling, to declare to her Majesty that the cause of their coming thither was openly to make confession of their faith with their preachers, and to assist them in their just defence. The Queen, understanding sufficiently what interest that gentleman had among those of his party, and apprehending the consequence of so numerous a convocation of men, though unarmed, she entreated him to persuade them to return to their own houses, and gave him a promise that the diet should be deserted, and nothing done to the prejudice of their ministers. Mr Erskine, seeming desirous to do the Queen a pleasure, wrote to the principal persons assembled at Perth, advising them to send home the multitude, shewing them what promise and hopes he had of the Queen's favour. After some reasoning at Perth upon the receipt of these letters, many of the common sort were ordered home, but most of the gentlemen, with the ministers, remained in Perth. When the 10th of May came, and the ministers had not appeared according to the citation given them, they were all denounced rebels, notwithstanding the promise given by the Queen-Regent ;

¹ Lesly mentions only Willocks, Douglas, and Paul Methven.

² This is the series as related by Mr Buchanan, but I rather suspect that the summons to appear at Stirling has preceded these *reparties* betwixt the Queen and the Congregation, if any such there were. Mr Knox seems to favour this order.

³ [Forfar and Kincardine.—E.]

and every body inhibited, under the pain of high treason, to assist, comfort, or receive them, or in any manner of way to maintain them. Certainly this was a very rash action, and much unbecoming the majesty of the Queen, which could not fail to rankle the minds of her adversaries, and to create in them the utmost distrust in all her future promises. Nor is it to be vindicated by any rule of policy, unless by so doing she could have crushed these men, so as to have rendered them incapable ever after of making head against her, and thereby have perfectly secured herself and her Government.

The Laird of Dun, being highly offended with this procedure of the Queen, quickly withdrew from Court, lest some misfortune might have befallen himself, which perhaps he might have some ground to suspect, seeing the Master of Maxwell was that same day committed to ward, for saying that he would not desist from assisting the Congregation, notwithstanding any sentence which already was, or afterwards should be, pronounced against them; and being come to Perth, and finding the gentlemen yet together in a body, he first excused himself for the advice he had given them, and next declared unto them it was his judgment that the Queen was implacable towards them, and therefore they ought to provide for the worst. The other gentlemen, perceiving by this discourse that matters could no longer remain dissembled, but that they soon must come to an issue, without further ceremony they prepared themselves to act with open force against the Queen; and the multitude was so enraged, that they were then ready and eager to pull down and demolish the convents and even the churches, which in those days they thought fit to distinguish as *places of idolatry*, to which piece of religious madness they were much whetted and encouraged by a sermon preached to them that or the next day by Mr Knox, who was returned into the kingdom, and had come very opportunely for them to Perth, at that nick of time.¹

¹ [It is clear from all the proceedings of the "Congregation," that they had resolved to rebel against the Government, especially by their act of taking possession of Perth. The sword was now to be drawn by both parties—by the one to punish treasonable designs, and by the other to further their projects. The appearance of John Knox at that crisis was

Mr Knox had received letters in the month of November 1558, from the principal Lords and gentlemen concerned in the affairs of the Congregation, inviting him once more to return to Scotland; and lest he should be any way averse or dilatory in undertaking the journey, in consideration of the disappointment he had met with from them the year before, the same persons thought fit to write also to Mr Calvin, that he would use his authority with Mr Knox, to oblige him to comply with their desire. It was in consequence of these letters that Mr Knox did now return. He arrived at Edinburgh the 2d day of May 1559, and having stayed there two nights only, he went straight to Dundee, where it seems many of the *Congregationers* and their ministers then were. These he requested that they would permit him to attend them to Perth; which no doubt they were as ready to grant, as he was to demand; no man being more fit for their purpose at that juncture than he was. On the 11th of that same month, being the next day after the ministers had been denounced rebels,¹ he preached at Perth, as before mentioned, that thundering sermon against idolatry. And indeed the adjusting it so exactly to the time, when the Laird of Dun had returned thither from Stirling with an account of the proceedings there, and to the ferment which that gentleman's account of things had already wrought in the minds of men, it was justly to be suspected that something more than ordinary was intended by that vehement discourse; which suspicion is put beyond doubt by the

not likely to allay the resentment of insulted authority on the one hand, or ambition on the other. The letters to Knox, to which Bishop Keith alludes, were written in the most saintly style, as if the eternal salvation of the kingdom depended on that disciple of Calvin; but in reality the leaders of the "Congregation" were afraid of their own situation, and they required the rude and undaunted energies of Knox to assist them in their privately concocted designs against the temporalities of the Church. Knox arrived at Leith on the 2d of May 1559, and after remaining two nights in Edinburgh he went to Dundee, where many of his admirers were convened. He was denounced as a rebel and outlaw by the Queen-Regent, but regardless of this serious procedure he hastened through the Carse of Gowrie to Perth, the head-quarters of the "Congregation," and opportunely arrived in the "Fair City," as Bishop Keith quaintly observes, at the "nick of time."—E.]

¹ By the Scottish law, when persons do not obey a citation given by the Supreme Judges, requiring them to appear in the Courts, they are thereupon declared rebels against the King, for disobedience to his Majesty.

honest manner in which Mr Buchanan relates the story. For he says—"That Mr Knox, finding the multitude gathered together in that ticklish posture of affairs, occasioned by the discourse of the Laird of Dun, made such a pathetic sermon to them that he set their minds, which were already fired, all in a flame." And accordingly we find that after the sermon was ended, and the better sort of the people had gone to dinner, some godly men, so Mr Knox calls them, remained in the church, whilst a certain priest was so imprudent as to open a tabernacle or case, in which was curiously engraved the history of a great many saints, and so prepared himself to say *Mass*. A young boy, standing by among the rest, called out—"This is intolerable, that when God, by his word, hath plainly condemned idolatry, we shall stand and see it used in despite." The priest, Mr Knox says, being offended thereat, gave the child a blow. This child, if he must be so called, one would think has been wiser than what fell to his share, but sure the priest does not appear to have been so too; for that blow helped to throw him and all his brethren, their saints and wealth, and, which was the greatest loss of all, many a fine church, to the ground. For the child first threw a stone, which broke one of the pictures, and immediately the whole multitude being in a rage, some fell upon the poor priest and his frame, others upon the remanent altars; so as in a moment of time, everything in the church that carried in their eyes the least mark of idolatrous, profane, or superstitious worship, was demolished by them.¹ This being noised abroad in the city,

¹ [On this memorable occasion, after Knox had concluded his sermon, and though the "better sort," he observes, "had gone to dinner," the mass of his auditors remained in St John's church. They observed a movement towards the shrine, and their curiosity was excited. In front of an altar, surmounted by an ebony crucifix, on which was the figure of our Saviour exquisitely carved, several of the clergy were seen kneeling in their vestments, probably overwhelmed with grief at the exhibition they had just witnessed, and the sentiments they had heard uttered by Knox. Tapers were now lighted, and the clergy began a solemn and plaintive chaunt, to which several voices in an aisle opposite responded. A curtain was slowly raised behind the crucifix, and disclosed a painting of the martyrdom of St Bartholomew. This scene was not without its effect, for it revived the old associations of many, and some of the crowd evinced their former habits of devotion. At this instant a young man, absurdly called a "child" by Knox, exclaimed to his companions—"Down with

the rest of the people gathered together in great numbers, and ran furthwith to the Monasteries of the Grey and Black Friars, both which they gutted in a short time. The next visit they paid was to the house of the Carthusians, a noble and costly edifice, which they treated in the same manner with the former; and then they threw down all these three buildings, so that within two days nothing remained of them but the naked walls.¹ Mr Knox would fain

the profane mummery! Shall we stand and see that practised which God in his word has plainly condemned as idolatry?" He was overheard by one of the clergy, who designated him a "blasphemer," and struck him to the floor of the church. The young man soon rose, and dashed a missile against the painting of St Bartholomew. This was the signal for the general attack. As if the Service had been to them a novelty, which they never before witnessed, the multitude rushed towards the altar, attacked the clergy, tore off their vestments, and beat them so unmercifully while in their kneeling attitude, that they narrowly escaped with their lives. Every article in the church, images, pictures, vestments, and sacred utensils, and the altars belonging to the Incorporated Trades of the city dedicated to particular Saints, were speedily destroyed before many of the citizens knew any thing of the outrage; for it is locally said that this mob consisted chiefly of the inhabitants of Dundee, who had accompanied Knox bent on mischief, and who, on account of old feuds with the citizens of Perth, which existed long after this outbreak, were probably more disposed to shew their dislike to Perth than any particular resentment to the Church. The above is the traditional account, which may be contrasted with Bishop Keith's narrative. It is derived from "Sketches of Scenes in Scotland," a work extremely rare, by Lieut.-Colonel Murray of Ochertyre, who succeeded his father Sir Patrick Murray as Sir William Keith Murray, the seventh Baronet, in 1837, and who by marrying the daughter of Sir Alexander Keith, Knight, of Ravelstone (see Bishop Keith's pamphlet on the family of Keith of Ravelstone, reprinted at the end of the Biographical Sketch in the present volume), assumed the name of Keith with that of Murray. This traditional account, we are informed by Sir William Keith Murray, "was obtained many years since from a lady, a descendant of Principal Tullideph of St Andrews, one of whose ancestors in his youth, had warmly espoused the principles of the Reformation." The outrage occurred on the 11th of May 1559, the day after Knox arrived from Dundee, and as the 11th was Thursday, it is worthy of remark that ever since a weekly sermon is preached on that day in St John's church at Perth. Knox was accompanied by some of the leaders of the "Congregation," among whom were the Earl of Argyll, who had recently succeeded his father, and Lord James Stuart, then Prior of St Andrews, who withdrew to one of the aisles, while Erskine of Dun and other persons seated themselves during the delivery of the sermon on some narrow benches, near the steps leading up to the pulpit.—E.]

¹ [The splendid religious edifices which adorned Perth before the sacrilege committed on this occasion, justly entitled it to the appellation of the "Fair City," which it still retains. At Perth were Monasteries of the

persuade us, that there was not a gentleman, nor *an earnest professor*, present in all this rascally multitude; yet he tells us, that this mob was so self-denied and upright, by the

Franciscans, or Grey Friars, of the Dominicans, or Black Friars, and of the Carmelites, or White Friars; while the princely Charterhouse, founded by James I. in 1429, the only Carthusian establishment in the kingdom, was excelled by few ecclesiastical buildings in Scotland. Chapels of various descriptions, dedicated to particular Saints, abounded throughout the city, exclusive of St John's church, and that spacious building "was not then," as Sir William Keith Murray observes, "shorn as now [under Presbyterianism] of its fair proportions, nor cut down into separate apartments, but forming one simple and majestic temple." The inmates of the Monasteries, anticipating a visit from the mob after the profanity committed in St John's church, prepared to defend themselves. But their attempts were vain, and the mob, after hearing a prayer from Knox, who was again among them, proceeded to the Monastery of the Grey Friars, which stood without the city wall. (Lindsay of Pitscottie, folio edit. p. 203). The noise and clouds of dust soon indicated that the work of destruction had commenced. They then rushed to the Charterhouse, the gates of which were fastened against them. "Come out, ye men of Belial? ye slaves of Jezebel?" was the frantic exclamation of the insurgents, but no voice answered their call. The Prior had hastily collected some of his domestics and dependents for the defence of the edifice, but the assailants burst open the gate with a large wooden cross which they pulled out of the ground near the walls, and then obtained possession of the edifice. They allowed the Prior to carry away all the valuables he could collect; the place was abandoned by the monks; and one of the noblest edifices in Scotland was soon gutted and destroyed. The Monasteries of the Black Friars and White Friars, and a number of chapels and other religious edifices, shared the same fate, in the course of those two memorable days. Notwithstanding the vows of poverty which the various orders of monks professed, their storehouses presented no inconsiderable temptations to Knox's "rascal multitude." He says—"And in very deed the Grey Friars was a place well provided, that, unless honest men had seen the same, we would have feared to report what provision they had. Their sheets, blankets, and coverings, were such that no Earl in Scotland had the better. Their napery was fine. There were but eight persons in convent, and yet had eight puncheons of salt beef (consider the time of the year, the 11th of May), wine, beer, and ale, besides store of victuals effeiring thereto." (Knox's History, Glasgow edition, 1732, p. 128). Sir John Graham Dalyell observes on this statement—"Notwithstanding the relation of a hot-brained fanatic this may be partly true." (Fragments of Scottish History, 4to. Edinburgh, 1798, p. 29). Knox observes—"The like abundance was not in the Black Friars, and yet there was more than became men professing poverty." These incidents are of course recorded by Knox as proofs of the sensuality of the monks, but it must be recollected that there were numerous claims upon them by Noblemen and others, who were entertained by them profusely, and who usually quartered themselves and their dependants in the monasteries.—E.]

threatning of the preachers, that they took none of the spoil to themselves ; but gave it either to the poor, or permitted the monks to carry it off. "So beatten," says he, "were men's consciences with the Word, that they had no respect to their own particular profit ; but only to abolish idolatry, the places and monuments thereof." A rare instance of a rascally multitude ! This precedent set by the men of Perth was quickly followed by those of Cowper in Fife, which, Archbishop Spottiswood says, the curate took so heavily, that the night following he put violent hands on himself.¹

After this grand but shameful step towards a Reformation was executed at Perth, several of the country people departed homeward ; and Mr Knox was left in that city, "to instruct the flock, because they were young and rude in Christ." But when the report thereof was brought to the Queen-Regent at Stirling, she was highly incensed ; and, it is said, vowed to expiate this nefarious wickedness with the blood of the citizens. She immediately dispatched letters to the Earls of Arran, Argyll,² and Atholl, desiring them to come to her, with the assistance of all their friends and followers. The French soldiers were likewise ordered to come in. And she thought to have surprised Perth, before these incendiaries could put themselves in a posture of defence, or were provided to make any resistance. But notwithstanding all the haste she was able to make, it was a full week before the ordnance could be brought before the place. In which time the Congregationers, being advertised of the Queen's designs, returned to that city about the 22d of May ; where, after invoking the name of God, they put themselves in condition to defend the town. And because they did not altogether despair of finding grace from the

¹ [Spottiswoode, p. 122. The example of Perth was first imitated in Cupar-Fife, some of the inhabitants of which had been at Perth, and took an active part in the work of destruction there. At Cupar were a Dominican Convent in which was a fine chapel, and a Nunnery dedicated to St Catherine of Sienna. These were completely destroyed by the rabble of Cupar-Fife.—E.]

² This is the son of the Earl formerly mentioned, who died in the month of August the preceding year.—[Archibald fifth Earl of Argyll, only son of the fourth Earl by his first Countess, Lady Helen Hamilton, eldest daughter of James first Earl of Arran, is the Nobleman meant.—E.]

Queen, whom they either knew to be of a mild nature, or had not that bad opinion of their own actings which other men might entertain, they drew up a letter to her Majesty; which, whether conceived in such terms as were likely to obtain her pardon for such a riot, so committed by a rascally multitude, who could not be stayed from destroying the places of idolatry, neither by the exhortation of the preachers, nor the commandment of the magistrates, I leave the reader to judge. The letter is as followeth.

“ TO THE QUEENES GRACE REGENT ALL HUMBLE OBEDIENCE
AND DUTIE PROMISED.

“ As heretofore, with jeopard of our lives, and yet with willing harts, we have served the authority of Scotland, and your Grace nowe Regent in this realme in service, to our bodies dangerous and painfull; so now, with most dolorous mindes we are constrained, by unjust tyranny purposed against us, to declare unto your Grace, that except this cruelty be staied by your wisdom, we shall be compelled to take the sword of just defence, against all that shall pursue us for the matter of religion, and for our conscience sake; which ought not, nor may not be, subject to mortall creatures, farder than by God's Word, man is able to prove that he hath power to commaund us. We signifie moreover unto your Grace, that if by rigor we be compelled to seeke the extreme defence, that we will not only notifie our innocencie and petitions to the King of France, to our mistresse and to her husband, but also to the Princes and Counsell of every Christian realme; declaring unto them that this cruell, injust, and most tyrannicall murder, intended against townes and multitudes, was, and is the only cause of our revolt from our accustomed obedience; which, in God's presence, we faithfully promise to our Sovereigne mistresse, to her husbande and unto your Grace Regent, provided that our consciences maye live in that peace and liberty which Christ Jesus hath purchased to us by his bloud, and that we may have his Word truly preached, and holy Sacraments rightly ministred unto us, without which we firmly purpose never to be subject to mortall man; for better we think to expone our bodies to a thousand deaths, than to hazard our souls to perpetuall condemnation, by denying Christ Jesus and his

manifest verity ; which thing not onlie do they commit open idolatrie, but also all such as seeing their brethren pursued for the cause of religion, and having sufficient meanes to comfort and assist them, do neverthelesse withdraw from them their doubtfull support. We would not your Grace should be deceived by the false persuasions of those cruell beasts the Churchmen, who affirm that your Grace needeth not greatlie to regret the losse of us that professe Christ Jesus in this realme. If, as God forbid, ye give ear to their pestilent counsel, and so use against us this extremity pretended, it is to be feared that neither ye, neither yet your posteritie, shall at any time after this find that obedience and faithfull service within this realme, which at all times you have found in us ; we declare our judgements freely, as trew and faithfull subjectes, God move your gentle heart favourably to interpret our faithfull meaning ; farther advertising your Grace that the self same thing, together with all things that we have done, or yet intend to do, we will notifie by our letters to the King of France, asking of you, in the name of the eternall God, and as your Grace tenders the peace and quietness of this realme, that ye invade us not with violence till we receave aunswer from our maister her husband, and from their advised counsell ther. And this we commit your Grace to the protection of the Omnipotent.—From Sainct Johnstone, the 22d of May 1559. Your Grace's obedient subjectes in all thinges not repugnant to God, the faithfull Congregation of Christ Jesus in Scotland."¹

They wrote in like manner to Monsieur d'Oysel and other of the French commanders in Scotland, and to all the French captains and soldiers in general, advising them—"not to use violence against them, nor to provoke them to enmity; for that if they should enter into war, the same should remain longer than their own lives, even as long as Scottishmen should have power to take revenge." And particularly they represented to Monsieur d'Oysel—"That he declared himself no faithful

¹ [This insolent letter, most disgraceful when we consider the outrages so recently perpetrated by this "*faithful Congregation*" at St Johnston, or Perth, from which it is dated, is in Knox's History of the Reformation, folio, Glasgow edit. 1732, p. 129, 130.—E.]

servant to his master the King of France, if, for the pleasure of the priests, he would persecute them, and so compel them to take the sword of just defence."

But neither their letters to the Queen, nor to the French soldiery, had weight enough to divert the undertaking. For which reason they in Perth sent out other letters to their friends in Angus, Mearns, Lothian, and other counties, desiring them to repair thither to their assistance with all speed; and the number of those that came was so great, that, says Mr Knox, "the work of God was evidently to be espied;" but he had forgot, it seems, that multitudes may be gathered together as well for evil as for good ends, and oftener perhaps for the one than for the other.

When they were all met, and had considered that most of the principal Nobility of the kingdom were present with the Queen, they thought it adviseable to send a long letter to them also; in which they take notice—"That they ought not to be persecuted upon account of religion, until first their cause be tried in an open assembly; that what they had done at Perth, they had done at God's commandment, who plainly commands idolatry and all monuments of the same to be destroyed and abolished; that the name of authority under which they pretended to act against the *Congregation* of Jesus Christ will not excuse them in the presence of God, because that though all authority established by God is good, and to be obeyed of all men under pain of damnation, yet they ought to understand, that there is a great difference betwixt the authority, and the persons of those who are placed in authority." Finally, they address themselves to those of the Queen's army who had been formerly on their side; and they tell them—"That as they are reputed already traitors by God, they shall likewise be excommunicated from their society, and from the participation of the Sacraments of the Church which God by his mighty power hath erected among them, whose ministers have the same power which Christ Jesus granted to his Apostles in these words—'Whose sins ye shall forgive, shall be forgiven; and whose sins ye shall retain, shall be retained.'" Moreover, that no party of men might be ignorant of their intentions, they sent also the following declaration to the clergy of the kingdom.

“ To the Generation of Antichrist, the pestilent Prelates and their shavelinges within Scotlande, the Congregation of Christ Jesus within the same sayeth,

“ To the end that ye shall not be abused, thinking to escape just punishment, after ye, in your blind furie, have caused the bloud of many to be shedde, this we notifie and declare unto you, that if ye proceede in this your malitiouslye crueltie, ye shall be intreated wheresoever ye shall be apprehended as murtherers and open enemies to God and to mankinde. And therefore betimes cease from this blind rage. Remove first from yourselves your bands of bloudie men of warre, and reforme yourselves to a more quiet life ; and thereafter mitigate ye the authoritie which, without crime committed uppon our part, ye have enflamed against us ; or else be ye assured, that with the same measure that ye have measured against us, and yet intend to measure to others, it shall be measured unto you ; that is, as ye by tyrannie intend not onely to destroy our bodies, but also by the same to hold our soules in bondage of the devill, subject to idolatrie ; so shall we, with all force and power which God shall graunt unto us, execute just vengeance and punishment upon you. Yea, we shall begin that same warre which God commaundeth Israell to execute against the Cananites ; that is, contract of peace shall never be made, til that ye desist from your open idolatrie, and cruell persecution of God’s children. And this we signifie unto you, in the name of the eternall God, and of his Sonne Christ Jesus, whose veritie we professe, and gospell we have preached, and holy Sacraments rightly ministred, so long as God will assist us to gainstand your idolatrie. Take this for advertisement, and be not deceived.”¹

As the reader will observe the pestilent spirit and unmannerly style of this last paper, far indeed from the meekness that would have become the reformers of abuses in Christianity, so by the tenor thereof, and of their other letters to the Queen-Regent, &c. it is pretty evident they had a moral certainty of victory arising from the numbers that joined them, otherwise it is much to be doubted if they would have writ in such a strain ; but still none of their paper

¹ [This extraordinary epistle, is in Knox’s History, p. 134.—E.]

artillery had any force on those to whom they were dispatched. For, notwithstanding all their advertisements and expostulations, the other army, consisting both of Scots and French, advanced and formed a sort of camp at Auchterarder, about ten miles¹ from Perth, against whom the gentlemen of the shires of Fife, Angus, and Mearns, with their followers, marched out and lay some more than a mile without the city. Whilst matters stood thus, the Earl of Argyll, the Prior of St Andrews, and the Lord Sempill,² on the 24th of May, were directed from the Queen to Perth, to enquire the cause of the convocation of the lieges there, and whether they designed to hold out the town against her the Regent and the legal authority. To which those of the Congregation made answer, that they had convened there only to resist the cruel tyranny devised against the town, and that if the Queen-Regent would suffer the religion already begun to proceed, then they and all that belonged to them should be at her command ; and farther, they besought these Lords to report their cause favourably to the Queen, and to become intercessors with her Majesty in their behalf, which they promised to do ; and the next day Mr Knox went in the morning, and waited on these Lords, when he made a speech to them,³ and delivered them a message to be reported to the Queen in his name, the contents whereof were—that they whom her Majesty in her blind rage persecuted were God's servants, and obedient subjects to the civil authority ; that her religion was expressly contrary to that of Jesus Christ, which he offered to prove against all that within Scotland will maintain it ; and lastly, that her Majesty was fighting not against man but God, and therefore her enterprize should not prosper in the end. But the Queen was so little moved with this message, or so little satisfied with the answers of the Congregation in general, that soon after she sent a Lion-Herauld with letters, charging all who were not inhabitants to leave the town of Perth under the pain of high treason,

¹ [Scottish miles are meant. The village of Auchterarder, noted in the annals of Established Presbyterianism by the *Auchterarder Case*, is 14 miles from Perth, on the road to Stirling.—E.]

² [Robert third Lord Sempill.—E.]

³ [See the speech, which Knox says was delivered on the 25th of May, in his History, Glasgow edit. p. 135, 136.—E.]

which letters the Herauld proclaimed in the town on Sunday the 28th of the month.¹ Of all the persons that came to Perth at this time, none was so much talked of as the Earl of Glencairn, who, though he lived at a great distance in the shire of Ayr, yet, on advertisement given him, he travelled night and day over the mountains, the ordinary passes being shut up by the Queen's troops, and by her orders the bridges over the rivers of Forth, Gudy,² and Teith³ cut, until he arrived at Perth with 1200 horse, and 1300 foot. The Queen having certain intelligence of the march of this Earl, in whose company were the Lords Ochiltree and Boyd, the Lairds of Loudon, Craigie-Wallace, Cessnock, and other gentlemen of the West, took particular care that no advertisement of his coming might reach those at Perth, on design that they, despairing of force sufficient to withstand her, might be the more easily induced to condescend to such terms as she had a mind to offer them; and to anticipate their stubbornness, which she knew would encrease upon Glencairn's arrival, she sent to Perth, demanding some persons to be sent to her camp, in order to talk with the Earl of Arran and Monsieur d'Oysel concerning some reasonable agreement. In obedience to which desire Erskine of Dun, Ogilvy of Invercarity, and Scott of Abbotshall, were sent to Auchterarder. The Earl of Arran and Monsieur d'Oysel required that the town of Perth should be left patent to her Majesty, and all other matters referred to her discretion. The gentlemen replied—They had no warrant to go into such proposals, but that if the Queen would promise nobody should be disturbed for the last commotion in Perth, and if she would suffer religion begun to go forward, and would leave the town at her departure free from French soldiers, then they would deal with their associates, that the Queen should be obeyed in all things. Nothing, however, was formally agreed to. The gentlemen were courteously used and dismissed, with a desire that they would labour to persuade these their brethren to peace and concord, which at their

¹ Mr Knox says, Sunday the 27th day; but if it was done on a Sunday, it must have been on the 28th.

² [The Goodie water, which issues from the lake of Menteith, and falls into the Forth.—E.]

³ [Teith.—E.]

going off they seemed to be well satisfied with ; but scarce were they returned, when the Queen was certified that the Earl of Glencairn had past by her out-guards, was got safely through all impediments, and was in a plain march to Perth, upon which she dispatched thither a second time the Earl of Argyll, the Prior of St Andrews, then commonly called Lord James, and Gavin Hamilton, Abbot of Kilwinning ; but the Earl of Glencairn was arrived at Perth before these three commissioners could reach it, where they found the multitude much more uppish than formerly. Mr Knox, with Mr Willocks, who was newly arrived in company of the Earl of Glencairn, came to the Earl of Argyll and Lord James, and bitterly accused them of infidelity in not taking part with their brethren, both of them being looked upon as great favourers of a Reformation. They answered—Their hearts were still constant with their brethren, but because they had promised the Queen to labour an agreement, they could not falsify their word ; adding, that if the Queen did violate the least jot of what should now be agreed upon, they would in that case join themselves openly with the Congregation, in all time coming. This promise being made, and these two Lords pressing much an agreement, Mr Knox says, the preachers with much ado persuaded the multitude to consent thereto ; but he likewise tells us, that in their sermons they plainly and openly affirmed that they were assuredly persuaded the Queen meant no truth. The agreement as made on Monday the 29th of May. The Articles were—

“ I. That both the armies should be disbanded, and the town left open to the Queen.

“ II. That none of the inhabitants should be molested on account of the late alteration in religion.

“ III. That no Frenchmen should enter the town, nor come within three miles of it ; and that when the Queen retires, no French garrison shall be left in the town.

“ IV. That all other controversies be referred to the next Parliament.”

The next day the Congregation departed from Perth, after that Mr Knox in a sermon, at which were present many of

the opposite party, had exhorted them to thank God for stopping the effusion of blood, but at the same time not to faint in supporting such as should afterwards be persecuted : “ For, said he, I am assured that no part of this promise made shall be longer kept than the Queen and her Frenchmen have the upper hand.” This exhortation had the intended effect, for before that the multitude of the Congregation left the city, they took care not to dissolve themselves, but to enter into a straiter confederacy, by entering under a new bond, which was drawn up by the persons commissioned so to do, and subscribed the next day, the tenor whereof followeth—

“ At Perth, the last day of May, the year of God 1559 years, the congregations of the west country, with the Congregations of Fyfe, Perth, Dundee, Angus, Mearns, and Montrose, being conveened in the town of Perth, in the name of Jesus Christ, for forth setting of his glory, understanding nothing more necessary for the same than to keep a constant amity, unity, and fellowship together, according as they are commaunded by God, are confederat, and become bounden and oblist, in the presence of God, to concur and assist together, in doing all things required of God in his Scripture that may be to his glory ; and at their whole powers to destroy and away put all things that doth dishonour to his name, so that God may be trewly and purely worshipped. And in case that any trouble be intended against the said congregations, or any part or member thereof, the whole Congregation shall concur, assist, and conveen together to the defence of the same congregation or person troubled ; and shall not spare labours, goods, substance, bodies and lives, in maintaining the liberty of the whole Congregation, and every member thereof, against whatsoever power that shall intend the said trouble for cause of religion, or any other cause depending thereupon, or lay to their charge under pretence thereof, although it happen to be coloured with any other outward cause.¹ In witnessing and testimony of the which, the whole congregations afore-

¹ This was no less than a downright rebellion against the civil authority in every respect, since it was easy for these men to explain all acts proceeding therefrom as injurious to their religion.

said have ordained and appointed the Noblemen and persons underwritten to subscribe thir presents. ARCH. ARGYLE. JAMES STEWART. GLENCARNE. R. Lord BOLD. WCHILTREE. MATTHEW CAMPBELL of Tarmgannarr.”¹

Immediately after the departure of the Congregation, on the 30th of May, the Queen entred the city of Perth, with some French soldiers in her retinue ; one of which passing by the house of Patrick Murray, a violent man in the cause of religion, shot his son, a young boy, who, with the rest of the family, was leaning on a balcony to behold the Queen's entry and cavalcade. Some say there were six or seven shot discharged against the house. The dead corpse was laid before the Queen's lodging, and when she was told of what had fallen out, she is said to have replied—“ That the chance was to be lamented, and so much the rather, because it had lighted on the son, and not on the father ; but that she could not prevent nor help such casual accidents.” And, which was still worse, three days had not past when all the heads of the Capitulation were broke ; some of the citizens were exiled, and others fined ; the old Magistrates were turned out, and new ones appointed in their places. After which her Majesty going for Stirling, she left in the town four companies² of Scottish soldiers for a garrison, with orders to permit no other worship there but that of the Roman Church. Some persons about the Queen, who wished that matters might not be carried so high, having represented to her, that though the garrison consisted of Scotsmen, yet they would be looked upon as French soldiers, since they received pay from the French King, she said—“ That Princes ought not to have their promises too strictly urged upon them ; nor were promises to be kept with hereticks ; and that for her part she could freely kill and undo all that sort of men, if she could do it with as plausible an excuse.” Indeed her Majesty seems to have been but ill advised in these actings and expressions, if so be they were real, and have received no exaggeration in the narrating ; which I

¹ [See also Knox's History, Glasgow edit. p. 138. In Knox's History Campbell of *Tarmgannar* is designated Campbell of *Teringland*.—E.]

² Lesly says 600 men.

very much suspect.¹ For though she had good reason to secure the town of Perth, as being highly convenient for the assembling of forces from all quarters of the kingdom, and being the only walled town in it, and at that time, together with the gentry about, greatly inclined to those of the Congregation; yet the advantage she made thereby, was little or nothing, when compared with the hatred she incurred by her breach of promises. For if it be true that Mr Buchanan relates, after this she never saw a good day, but was by most people despised, and publickly contemned.²

The Earl of Argyll and Lord James, perceiving how things went, did presently withdraw to St Andrews, and though by letters she charged them upon their allegiance to return to Perth, yet they refused, excusing themselves because of her proceedings; after which they wrote to the neighbouring Nobility and gentry of their faction to meet in that town the 4th of June, in order to concert measures for their mutual defence, because the Queen-Regent was at Falkland with her French soldiers, designing to take possession of the towns of Cowper and St Andrews. Their call was obeyed, and Mr Knox came thither with the rest. On the 9th of that month, the Lords and others went to Crail, a sea-town about six miles³ south of St Andrews. There Mr Knox in a sermon he made them, put the Congregation in mind of what he had foretold them at Perth, exhorting them not to be any longer deluded with fair promises, and wished them to prepare themselves to die as men, or to live victorious; by which exhortation his hearers were so moved, that they immediately proceeded to the pulling down of the altars and

¹ [No dependence can be placed on the reports of the Queen-Regent's alleged sayings and observations, as they are all on the authority of Knox.—E.]

² I suppose the contempt is to be meant by those of a certain party only. And as to her not seeing a good day after this, it is certain that some time afterwards she had so far reduced the Congregation, that unless the Queen of England had stept in to their relief, she had in all humane probability crushed them to pieces.

³ [The ancient royal burgh and little seaport of Crail is ten English miles from St Andrews. In Crail was one of those collegiate establishments called Provostries, consisting of a Provost, who was the Superior, ten Prebendaries, a sacrist, and some singing boys. After Knox's sermon, the mob destroyed the altar and decorations of the church.—E.]

images. Next day he preached in the town of Anstruther,¹ another sea-port three miles south-west from Crail, where the like havoc was made, but still we are told with more anger than avarice. The Archbishop of St Andrews hearing that Mr Knox intended on the morrow, which was Sunday the 11th of June, to preach to the Congregation in his cathedral church of St Andrews, came thither the Saturday before, accompanied with 100 armed men, to stop him, and the Lords were so apprehensive of the mischief that might follow, considering that Falkland, where the Queen and the French lay, was but twelve miles² distant from St Andrews, that they counselled Mr Knox to forbear preaching at that time; but no persuasion of his friends, nor threatening of his enemies, could prevail with him. He told them, among other things—"That to delay to preach to-morrow he could not in conscience, because in that town and church God first began to call him to the dignity of a preacher; from which, though he had been reft by the tyranny of France and procurement of the Bishops, yet he had often foretold that his assured hope was in open audience to preach in St Andrews, before he departed this life." Some, perhaps, may have difficulty to find out what obligation lay upon the conscience to have preached that particular day at St Andrews, from the reasons here assigned. But the Archbishop having thought it expedient to depart to Falkland next morning, because he found the affections of the generality of the citizens inclining to the Congregation, which no doubt the preacher had likewise perceived; and perhaps that, as much as any thing else, had rendered him so peremptory, Mr Knox did preach that day; and having taken for his subject that portion of

¹ [The two royal burghs of East and West Anstruther, separated from each other by the Dreel rivulet, are four English miles from Crail. The former is a small seaport. In these towns the mob found little to destroy; but they visited the Priory of Pittenweem, another royal burgh and small seaport a mile distant. This Priory belonged to the Canons-Regular of St Augustine, and was connected with the Priory of St Andrews. The Superior had made himself obnoxious to them, by his zeal in the trials for heresy at St Andrews. He was at first disposed to resist the insurgents, but he found them too numerous, and he left the town. It is said that they demolished the church, a cell dedicated to the Virgin Mary, and a considerable portion of the Priory buildings.—E.]

² [See the third note, p. 54, of the present volume.—E.]

holy Scripture which treats of our Saviour driving the buyers and sellers out of the Temple, he from thence so incited the people, that after sermon they went in a most tumultuous manner and spoiled all the churches in the city,¹ pulling

¹ [After perambulating the south-east of Fife, Knox intimated to his followers his determination to proceed to St Andrews, and preach in the Cathedral on the following Sunday. This fact proves that the "Congregation" had become powerful as a party, especially when we recollect that this intrusion into the Cathedral was in defiance of Archbishop Hamilton, and that Knox had been declared a rebel and an outlaw by the Government. The mob had many inducements to visit St Andrews. The Cathedral, Priory, and Monasteries, were peculiarly enticing to their destroying propensities; and they considered that it would be a master-stroke of policy to *purify*, in their language, the ecclesiastical metropolis of Scotland. Archbishop Hamilton was then with the Queen-Regent at Falkland Palace, where he received notice of Knox's intention. The Primate immediately set out for St Andrews at the head of upwards of one hundred men; but when he arrived in his own city, he found the inhabitants in such a state of excitement at the accounts of the numbers who followed Knox, that he was compelled to return to Falkland on the following morning. Knox and the insurgents were in the meantime approaching St Andrews, and when they came to the heights from which the venerable towers of the city are first seen, about two miles distant, they uttered a tremendous shout of defiance and exultation. Knox entered St Andrews on Friday the 9th of June 1559, accompanied by Erskine of Dun, Wishart of Pitarrow, brother of the "Martyr," and Halyburton, Provost of Dundee, followed by some thousands of ignorant and misguided zealots. Knox met Archibald fifth Earl of Argyll and Lord James Stuart, then Prior of St Andrews, afterwards the Regent and Earl of Moray, and the whole party concerted plans on the Saturday. In projecting their intended wanton sacrilege, they were defying several express acts of the Legislature, which prohibited, under severe penalties, such outrages. Knox preached in the Cathedral on Sunday the 11th, and also, it is said, on the three following days, a series of inflammatory discourses on the subject mentioned by Bishop Keith, and the excited mob immediately afterwards began their work of destruction. The magnificent Cathedral, the erection of which occupied one hundred and sixty years—the metropolitan church of Scotland, in which Prelates, Nobles, and illustrious men, were interred—was reduced to a melancholy ruin, which may be justly termed Knox's monument. It was on this occasion that Knox exclaimed, when he beheld the attack on the Cathedral—"Down with the nests, and the rooks will fly away." While one party of the insurgents was engaged in demolishing the Cathedral, the churches in the city were spoiled, the Monasteries of the Dominicans and Franciscans, the noble Augustinian Priory, the Provostry of Kirkheugh in the vicinity, and the old church of St Regulus, were dismantled and destroyed. After this fearful sacrilege, St Andrews appeared as a ruined and depopulated city. This dreadful outrage, strange to say, is the theme of a jocular effusion, published in 1827, entitled—"Papisty Storm'd, or the dinging doon o' the Cathedral, ane Poem, in Sax Sangs," by William Tennant, author of "ANSTER FAIR," appointed Professor of Oriental Languages in

down and levelling the Monasteries of the Franciscan and Dominican Friars to the ground ; the news whereof being brought to the Queen, she presently gave orders for the French soldiers to march to St Andrews ; directing proclamations through all the adjacent parts ordering the fencible men to meet her in arms the next morning at Cowper. The Lords at St Andrews getting intelligence of this, resolved to prevent her Majesty, and accordingly came to Cowper on Monday night, accompanied only with about 100 horse ; and they also having called their adherents to their assistance, so readily was their summons obeyed, that next day before noon their number was increased to above 3000, and Mr Knox tells us, "that God did so multiply them, that it appeared as men had rained from the clouds." On the 12th of the month, before sun-rising, the Queen's army departed from Falkland, and the Congregation encamped very early the same day, on the moor be-west Cowper. When it was perceived by the Queen's party that the other was the most numerous, and that they all appeared forward to fight, the Duke¹ and the Earl Marischal had some private conference with the Earl of Argyll and Lord James, with design to divert an engagement which might prove fatal to both parties. This conference had the desired effect, for immediately the Lord Lindsay, with the Laird of Waughton, were sent from the Earl of Arran, by consent of the Queen, and as Commander-in-Chief of the Scots, to hear proposals for peace. But because the Queen alledged she could not agree to the demands of the Congregation until she had first advised with the French King, viz. about sending away the French soldiers, a truce only was made for eight days. Bishop Lesly tells us, that after this agreement the Duke and the Earl Marischal earnestly besought the Queen that she would presently go for Edinburgh, and call a Parliament to meet her there, as the best and only mean for healing the disturbances that were then in the kingdom ; and that author adds, that her Majesty did seriously lay to heart the advice of these Noblemen, but that, whilst she was deliberating thereupon, she got an account of the march of the Congregationers towards Perth. The historians of the opposite

St Mary's College, St Andrews, in 1835. The volume attracted no notice, and is now forgotten.—E.]

¹ [Chatelherault.—E.]

party give a different turn to their account of these affairs ; and seeing the account we have from them is by much the largest, I must proceed with the history as it is related by them, and this requires that a copy of the truce, as it was then concluded, be laid before the reader, the tenor whereof follows—

“ We, James Duke of Chattellerault, Earl of Arran, Lord Hamiltone, and my Lord d'Ozel, Lieutenant for the King in these parts, for ourselves, our assistaries, and partakers, being presently with us in company ; by the tenor hereof promits, faithfully of honour, to my Lords Archibald Earl of Argyle, and James Commendator of the Priorie of St Andreus, to their assistaries and partakers, being presently with them in company, that we and our company aforesaid shall retire incontenent to Falkland, and shall with diligence transport the Frenchmen, and our other folks now presently with us ; and that no Frenchmen, or other soldiers of ours, shall remain within the bounds of Fyfe, but so many as before the raising of the last army, lay in Dysert, Kirkaldie, and Kinghorne ; and the same to lye in the same places onlie, if we shall think good. And this to have effect for the space of eight dayes following the date hereof exclusive, that in the mean time certain Noblemen, by the advice of the Queen's Grace, and the rest of the Council, may convene, to talk of such things as may make good order and quyettes amongst the Queen's lieges. And farther, we, nor non of our assistaries being present with us, shall invade, trouble or disquyet the said Lords nor their assistaries, during the said space. And this we bind and oblige us, upon our loyal fidelity and honour, to observe and keep in every point above written, without fraud or guile. In witness whereof we have subscribed these presents with our own hands, at Garlebanke, the 13 day of June 1559. JAMES.” “ The other subscription,” says Mr Knox, “ we could not read ; but the similie is this, MENEITS.”¹

This assurance, subscribed by the two generals of the

¹ [See this document in Knox's History, p. 142, 143. Bishop Keith's quotation at the end of it from Knox, does not appear in the Glasgow edition of 1732.—E.]

Queen's army, having been delivered to the Lords of the Congregation, these first withdrew from the field, and next, dismissing the multitude, they and the gentlemen went straight to St Andrews, but when nobody came thither from the Queen to treat of such things as had been promised, and that complaints were daily brought in to them of the hardships used by the Laird of Kinfauns, whom the Queen had placed Provost in the town of Perth; the Earl of Argyll and Lord James, Prior of St Andrews, the two chiefs of the Congregation, wrote to the Queen, shewing—"how that at her special desire they had dealt with the Congregation at Perth, and had brought them to accept of the conditions proposed by her Majesty, the breach whereof, chiefly in one point, viz. the placing of a garrison in the town of Perth, was no less dishonourable to them who had given their promises to the contrary than it was grievous to the people; therefore their request was, that the garrison might be removed, and the town restored to its former liberty, which thing, were it done, they doubted not but good success would follow thereupon to her Majesty's content." No answer having been returned by the Queen-Regent to this letter, the Lords and Gentlemen of the Congregation took a resolution to expel the garrison out of Perth by force: and having warned their friends of Fife, Angus, Mearns, and Strathearn, to convene thereabout on the 24th of June, they summoned the magistrates and garrison to leave the city open to all her Majesty's lieges; but they answering that they would maintain the city for the Queen-Regent; and the Earl of Huntly, Chancellor of the kingdom, together with the Lord Erskine, and John Bannantine,¹ Justice-Clerk, having come from the Queen to persuade them to delay the siege at least for some days, the Lords foresaid declared that they would not delay it for one hour; and therefore they summoned the town a second time, certifying them in the same manner as they had done before. And likewise

¹ [Sir John Bellenden, eldest son of Thomas Bellenden of Auchinoul, whom he succeeded as Lord Justice-Clerk, in June 1547. At the outbreak of the Reformation, he was employed by the Queen Regent as a mediator between her and the Lords of the "Congregation," but he soon joined the latter. He obtained the lands of Woodhouselee near Edinburgh, the property of the wife of Hamilton of Bothwellhaugh—a transaction which led to the assassination of the Regent Moray.—E.]

they declared to the Chancellor, that if but one person should happen to be killed in the assault, all their lives should pay for it. The Chancellor being much offended herewith, departed from before the place, since he saw he could not bring about any good accommodation for the Queen. Nevertheless, the garrison persisted to answer as formerly. But when on Saturday, at ten in the night, they perceived the battery to begin, and that no relief was like to come from the Queen, they beat a parly, and agreed that if against twelve o'clock on the morrow no succours did arrive, then they should be allowed to march out with colours flying; which accordingly they did on Sunday the 25th of June, and the Lord Ruthven was repossessed of his office of magistracy in the city. The next day some zealous men, as Mr Knox says, were of opinion that some course should be taken with the Bishop of Moray¹ and the Palace and Abbey of Scoon,² situated a mile north of Perth, because that from it he had threatened Perth with his men that lay there. Upon which the Lords wrote to him, that unless he would come and assist them, they could not save his Palace. He promised to do so; but it seems his answer

¹ This was Patrick Hepburn, who was likewise Commendator of the Abbey of Scoon.

² [This Abbey, founded by Alexander I. in 1114, and dedicated to the Holy Trinity and St Michael, belonged to a community of Augustine Monks. It was situated two English miles—not *one mile* merely, as stated by Bishop Keith—from Perth, on the site now occupied by Scone Palace, the seat of the Earls of Mansfield. A message was sent to Bishop Hepburn of Moray, the Abbot, intimating, that unless he came forward and assisted the insurgents, whom he had threatened to attack in Perth, his Abbey would be in jeopardy. He affected to comply, but a mob proceeded from Perth, and destroyed the interior of the Abbey—the arrival of the Earl of Argyll and Lord James Stuart only preventing its entire destruction on that day. Knox, by his own admission, had great difficulty in restraining his zealots from a fresh attack. The Earl of Argyll and Lord James Stuart were obliged to leave Perth on a crusade into the southern counties on the following morning, but they carried with them the most turbulent and refractory of the insurgents, and left the others under the command of John Knox. After their departure, however, a body of the rioters circulated a report that a citizen of Dundee, who was prowling about the Abbey for plunder, had been killed by an illegitimate son of Bishop Hepburn. This so enraged the Dundee party of the insurgents, who were by far the most numerous, that they threatened to desert the cause, if the death of their townsman was not avenged. The result was the total destruction of the Abbey of Scone by fire, amid the shouts and exultations of the assailants.—E.]

was somewhat late a-coming; whereupon the men of Perth and Dundee marched forward to demolish that stately edifice. The Lords, some gentlemen, and Mr Knox, went after them, to dissuade them from violence; but nothing could prevail. When the flames were ascending, an old woman, perceiving that many persons were offended thereat, said—"Now I see and understand that God's judgments are just, and that no man is able to save where he will punish. Since my remembrance, this place hath been nothing else but a den of whoremongers; it is incredible to believe how many wives have been adulterated and virgins deflowered by the filthy beasts which have been fostered in this den; but especially by that wicked man who is called the Bishop. If all men knew as much as I, they would praise God, and no man would be offended."¹ At which words, Mr Knox says—"Many were pacified, affirming with her that it was God's just judgment;" though he adds—"That if the labours or travel of any man could have saved that place, it had not been at that time destroyed; for men of greatest estimation laboured with all diligence for the safety of it." This, methinks, might have made Mr Knox ashamed of his own conduct, by which he inflamed the passions of the multitude, and even urged them forward to these disorderly proceedings, that are such a scandal to themselves, and so contrary to the spirit of true Christianity. He ought to have blamed himself, when he saw the dismal consequences which attended his fiery counsels; since, as he himself relates, neither the principal Lords and gentlemen, nor even he the instigator, was able to put a stop to that religious, or rather irreligious, fury. It is an easy matter to raise the devil, but few know how to lay him again.

¹ [These charges against the Monks of Scone, which apparently rest solely on the authority of the "old woman," or, as Knox calls her (*History*, Edinburgh edition, 1732, p. 146), a "puir agit matrone," must be received with great caution. It nevertheless appears that Bishop Hepburn of Moray, the then Abbot of Scone, was not correct in his private life, as there is no doubt that he had at least one illegitimate son. Archbishop Spottiswoode omits any notice of the declaration of Knox's "puir agit matrone."—E.]

CHAPTER IX.

CONTAINING AN ACCOUNT OF PUBLICK AFFAIRS, FROM THE TAKING OF THE TOWN OF PERTH BY THE CONGREGATION, IN THE END OF JUNE 1559, UNTIL THE ACT OF DEPRIVATION MADE BY THE SAID CONGREGATION, AGAINST THE QUEEN-REGENT, IN THE END OF OCTOBER THE SAME YEAR.

AFTER the taking of Perth, and the demolition of the fine Abbey of Scoon, the place where our Kings were usually crowned, the Queen-Regent, justly suspecting that those of the Congregation would advance farther into the country, and pay a visit of Reformation to the counties situated on the south of the river Forth, and considering that the town of Stirling was the only pass thither over land, by means of its bridge, her Majesty had determined to send thither some French soldiers, in order to prevent their passage. Which being understood by the friends and spies of those on the other side of the water, the Earl of Argyll and the Lord James Stuart departed secretly from Perth, late the same night they had been at Scoon ; and entering Stirling next morning, their presence did so animate those who were of a like mind with them, that immediately they pulled¹ down all the Monasteries to the ground, in and about that city ;² and among the rest, the remarkable Abbey of Cambuskenneth,³ situated in the midst of the valley a little

¹ So says Buchanan ; but Mr Knox says, the rascally multitude had done this before the coming of the Lords, but the difference is not very material, only it is strange to find this last author giving the name of *rascally multitude* to those very persons whom, in the next sentence, he very plainly looks upon to be *Reformers*. So that it is hard to know what difference there was betwixt the company that followed the Lords and him, and the multitude that was in each city, for they both wrought the same work.

² [Stirling never had any pretensions to the rank and dignity of a city. It is simply a royal and parliamentary burgh. In the town were some religious establishments of considerable wealth and importance, the chief of which were the Monasteries of the Dominicans and Franciscan. These, with the exception of the church belonging to the latter, were pulled down under the auspices of the Earl of Argyll and Lord James Stuart.—E.]

³ [The beautiful and magnificent Abbey of Cambuskenneth was founded by David I. in 1147, on one of the fine peninsular plains formed by the

below the town, on the north bank of the Forth. After three days abode at Stirling, in reforming and in levelling the churches, they set forward to Edinburgh, for *Reformation to be made there* likewise, as Mr Knox is pleased to word it; but made a halt at Linlithgow, which is a town lying half-way betwixt Stirling and Edinburgh, being twelve miles distant from each.¹ There they made the same havock as at Stirling. And though they were not above 300 men, they struck such a terror wherever they came, that the Queen, who was then at Edinburgh, and sufficiently informed by the Lord Seton, then Provost of that city, that the inclinations of the people were most on the other side, thought fit to remove thence to Dunbar, with all her French and Scots soldiers.

Meantime the Congregation marched forward to Edinburgh on the good errand of Reformation, "whither," says Mr Knox, "*we* arrived the 29th June;" but before their coming, such havock was made in the Monasteries, "that," adds this author, "we were the less troubled in putting order² to such places." In this capital of the kingdom the Congregation determined to remain some time, for putting their affairs in order, and for suppressing all monuments of *idolatry* within that city, and the places next adjacent;³ and besides cleans-

windings of the Forth. A party of the insurgents, aided by a number of the inhabitants of Stirling who had some private quarrels with the monks, crossed the Forth to destroy the Abbey, with the approbation of Argyll and his associate. The unfortunate ecclesiastics could offer no resistance. In the course of one day the whole was dismantled, and reduced to a mass of ruins, except the great tower, which is still to be seen in solitary grandeur—an imposing object amid the splendid surrounding scenery. Books, charters, and other documents, found in the Abbey, were mutilated, burnt, and destroyed; and the other valuable spoil was divided among the insurgents. The only article they were anxious to preserve was the bell of the Abbey. They placed it in a boat, with the intention of carrying it to Stirling, but its weight sank the boat, and the ancient bell of Cambuskenneth Abbey lies at this day in the bed of the Forth.—E.]

¹ [Linlithgow is eighteen English miles from Stirling, and seventeen from Edinburgh.—E.]

² It seems, then, that the rabble and the *Congregation* had one and the same business to do. Bishop Lesly says, that besides the pulling down of the Monasteries, they likewise beat down the houses belonging to the Prebends of the collegiate church dedicated to the Trinity, and the college itself. (It is that church which stands at the foot of Leith Wynd.) And last of all, they went and plundered the Abbey of Holyroodhouse.

³ ["All this tyme all Kirkmen's goods and gear were spulyeit and reft

ing the churches of every thing that, according to them, came under that denomination, they appointed preachers, of whom Mr Knox was one, to expound the Scriptures to the people. They also took possession of the coining irons in the mint, because, as they pretended, the common necessities of life were become exceeding dear, by the stamping of base money.

The Queen, being much perplexed by these proceedings of the Congregation, and dreading from such insults a total overthrow of the regal authority, knowing herself in no condition to repel force by force, she determined to try a new method for recalling the minds of the people to their due and sworn allegiance, by representing to them these their turbulent seducers in a true and proper light, for which purpose she emitted the following Proclamation:—

“ Francis and Marie, by the Grace of God, King and Queen of Scots, Doulphin and Doulphinesse of Viennois, to our loved Lyon King of Arms, &c. our Sheriffs in that part, conjunctly and severally, specially constitute, greeting: Forasmuch as our dearest mother Marie Queen Dowager Regent of our Realme, and Lords of our Secret Council, perceiving the seditious tumult raised by one part of our lieges, naming themselves the *Congregation*, who, under pretence of religion, have put themselves in arms: And that her Grace, for satisfying of every man’s conscience, and pacifying of the said troubles, had offered unto them to affix a Parliament, to be holden in January next to come, or sooner if they had pleased, for establishing of a universal order in matters of religion, by our advice, and Estates of our Realme; and in the mean time to suffer every man to live at liberty of conscience, without trouble, unto the time that the said order was taken by advice of our foresaid Estates: And at last, because it appeareth much to stand upon our borough of Edinburgh, offered in like manner to let the inhabitants thereof chuse what manner of religion they would set up and use for that time, so that no man might alledge that

fra them in every place where the samyn culd be apprehendit: for every man, for the maist pairt, that culd get any thing pertenyng to any Kirkmen, thocht the same as weel won gear.” Diurnal of Occurrents, p. 269.—E.]

he was forced to do against his conscience ; which offer the Queen's Grace, our said dearest mother, was at all times, and yet is ready to fulfil : Nevertheless the said *Congregation*, being of mind to receive no reasonable offers, hath since by open deed declared, that it is no religion, nor any thing thereto pertaining, that they seek, but onlie the subversion of our authority, and usurpation of our Crowne. In manifest witnessing whereof, they daily receive Englishmen with messages unto them, and sendeth such like into England. And last of all, have violently intromitted with, taken, and yet withhold, the irons of our Cunzie-House, which is one of the chief points that concerneth our Crowne ; and such like have intromitted with our Palace of Holyroodhouse. Our Will is therefore, &c. that ye pass to the Market Cross of our said borough of Edinburgh, or any other publick place within the same, and there, by open Proclamation, in our name and authority, commaund and charge all and sundry persons of the said *Congregation*, or yet being presently within our said borough, other than the inhabitants thereof, that they, within six hours next after our said charge, depart furth of the same, under the pain of treason. And als, that ye commaund all and sundry persons to leave their company, and adhere to our authority, with certification to such as do the contrary, that they shall be reputed and holden as manifest traytors to our Crowne, &c."

This Proclamation was not without its effect, for though the Congregation denied the facts asserted in it, except that single one of seizing the irons of the Mint, yet it had such influence over the minds of some persons engaged with them, that they began visibly to shrink and fall away. For this reason it was thought expedient by the leading men among them to purge themselves, by a letter directed to the Queen, of whatever false aspersions they judged to be fixed upon them, and which was delivered to her Majesty by the Lords Ruthven and Ochiltree, a copy whereof here followeth—

"Please your Grace to be advertised : It is come to our knowledge that your Grace hath sett furth, by your letters openly proclaimed, that we, called by name the *Congregation*, under pretence and colour of religion, convene together

to no other purpose but to usurp our Sovereigns' authority, and to invade your person representing theirs at this present ; which things appeareth to have proceeded of sinister information, made to your Grace by our enemies, considering that we never minded such things ; but only our mind and purpose was, and is, to promote and set furth the glorie of God, maintain and defend the true Preachers of his Word, and, according to the same, abolish and putt away idolatry and false abuses, which may not stand with the said Word of God ; beseeching your Grace to bear patiently therewith, and interpone your authority to the furtherance of the same, as is the duty of every Christian Prince and good Magistrate. For as to the obedience of our Sovereigns' authority in all civil and politick matters, we are, and shall be as obedient as any other your Grace's subjects within the realme. And that our Convention is for no other purpose but to save our preachers and their auditors from the injury and violence of our enemies, which should be more amply declared by some of us in your Grace's presence, if ye were not accompanied with such as have pursued our lives and sought our blood. Thus we pray Almighty God to have your Highness in his eternall tuition. *Att Edinburgh, the 2d of July, 1559.*"

The Queen, taking hold of the last clause of this letter, did make offer of a safe-conduct to any that should come unto her. Whereupon the Lairds of Pitarrow and Cunninghamhead were sent to her Majesty, with commission to declare their desires :—1. That they might enjoy a liberty of conscience. 2. That insufficient ministers be removed from ecclesiastical administrations. 3. That Christ be truly preached, and his Sacraments rightly administered. 4. That their ministers be discharged from the process of treason, and be admitted to execute their office without molestation, until such time as, by a General Council lawfully convened, or by a Parliament within the Realm, the controversies about religion be decided. 5. That the French soldiers be sent home. Which things being granted, they promise to her Majesty experience of their *accustomed* obedience. What reckoning her Majesty could make of so qualified an obedience, I shall not say ; but we are told that to these propo-

sitions the Queen answered with seeming favour, and desired to talk with some persons of greater authority; promising that if they would assure her of their dutiful obedience, she would deny none of their requests. In compliance with this, the Earl of Glencairn, the Lords Ruthven and Ochiltree, and the Laird of Pitarrow, were quickly despatched with the same commission as above, and came into her Majesty's presence the 12th day of July. But now, it seems, she had become more sensible of the differences that were arisen among those of the Congregation, and so was probably willing to spin out as much time as possibly she could, hoping their numbers might divide or disperse, either upon account of their present misunderstandings, or of their domestick affairs. And therefore she began with complaining that she had not been sought to in a becoming enough manner, and talked of some other matters which were but little to the purpose; and in the end of her discourse, she showed a desire that the Earl of Argyll and the Lord James might wait upon her. It appears likewise, that during this petty negociation, and whilst the two parties lay in the neighbourhood of one another, her Majesty had not been wanting in promoting the misunderstanding among the leaders of the Congregation, upon very colourable suspicions and representations. For it was whispered about that the grand intention was, to deprive the young Queen of the regal authority, next to set aside the Earl of Arran from his right of succession to the Crown, and, lastly, to set up the Lord James in his room; which insinuation did not only serve to rivet, in the Queen-Regent's interest, the Earl of Arran, his dependents and friends, but it likewise inflamed the hearts of a great many other persons, and even of some of the Congregation, who disliked such rebellious principles, insomuch that, for this very cause, several of them began in good earnest to murmur. So that in order to regain, or at least to soften, the minds of such as seemed to be alienated from them, those that remained firm were forced to emit a counter declaration, in which they call God to witness that such crimes as they were charged with had never entered into their hearts, and that their only intention was to banish idolatry, and advance true religion, and defend the preachers thereof; promising to continue in

all duty towards their Sovereign and her mother the Regent, provided they might enjoy liberty of conscience in matters of religion.

When the Queen's desire concerning the Earl of Argyll and Lord James's waiting upon her, was notified to the Congregation, it was by no means thought expedient to hazard their persons in such an employment, because the Queen had been heard to say, that if by any means she could divide these two from the rest (the truth is they were the heads of the party), she was sure soon after to reach the whole of her purpose; and likewise one of her chief courtiers was said to have boasted, that before Michaelmass next both these gentlemen should lose their heads. However, that the Queen's desire might not be altogether rejected, it was proposed, that the two above named persons should meet in any place void of suspicion of danger, with a certain number in company, which should be equal on both sides. To this the Queen agreed, and deputed the Earls of Arran and Huntly, the Lords Erskine and Somerville, Mr Gavin Hamilton, Abbot of Kilwinning, and the Justice-Clerk; and from the Congregation were deputed the Earls of Argyll and Glencairn, the Lords Ruthven, Boyd, and Ochiltree, the Prior of St Andrews, and the Lairds of Dun and Pitarrow. A hundred persons on each side did accompany these commissioners to the town of Preston in East-Lothian,¹ the place of meeting nominated by the Queen-Regent. After a whole day's conference there was little or nothing agreed upon; for the Queen, seeming to yield a free exercise of religion, would have it provided, that in what place she happened to come, the preachers should abstain from preaching, and the *Mass* only be used. But this the Commissioners from the Congregation rejected, alledging that this were to leave them no church at all, for whenever the Queen pleased, she might change the place of her residence, and so there could be no certain exercise of religion, which would be the same thing as to overthrow it altogether.

In these terms they parted for that night, yet the Congregational Lords seeming unwilling to break off the con-

¹ [The decayed village or hamlet of Preston, a short distance inland from the coast town of Prestonpans, nine miles from Edinburgh.—E.]

ference, said, they would think more of the business, and advertise what could be yielded unto. The truth is, they were then desirous enough to have some tolerable accommodation made, because sundry of their numbers had left them, and were returned to their dwelling-houses. After further deliberation, the Lord Ruthven and the Laird of Pitarrow were sent back with this answer, viz.—That as they could not hinder her Majesty to use what exercise of religion she pleased,¹ so they could not agree that the ministers of Christ should be silenced upon any occasion, much less that the true service of God should give place to superstition and idolatry; wherefore they humbly requested (as they said they had often done) liberty to serve God according to their consciences, and did beseech her Majesty to remove the French soldiers, otherwise there could be no firm nor solid peace; and if her Majesty would promise, on the word of a Prince, to allow that no other foreigners should be brought into the country, they would not only furnish ships and victuals for the transportation of those that were already here, but would pawn their honours to protect her person from injury; and, moreover, that they would promise, in the presence of God and of the whole Realm, to serve their Sovereign her daughter, and her as Regent, as ever they did any King within Scotland. They added also—That they should cause their preachers give an account of their doctrine, in her Majesty's hearing, to any that pleased to impugn any thing they did or taught; finally, that they were willing to submit to a lawful Parliament, provided that the Bishops, as the party accused, and their plain enemies, should be removed from judgment. The Queen, hearing all, replied only in the general, that she wished there might be peace; but to none of the points proponed made she any direct answer; for she had got certain intelligence that many of the Congregation were dispersed, and therefore she was not without hopes of bringing them all quickly to her own terms. On the other side, the chief men, perceiving sufficiently what the Queen drove at, agreed among themselves that the Lords and Barons, with their servants, should remain in Edin-

¹ The reader will be able to judge hereafter how long these gentlemen continued to be of this mind.

burgh during the winter, and that they would still retain in their hands the Mint irons, lest the Queen should cause transport them privately to Dunbar, and impoverish the country by the continual coining of base money. The Queen, hearing of these resolves, was extremely displeased, and averred that now they had openly declared what she had long suspected, namely, that they meant in good earnest to usurp the Government ; and she further laid to their charge the rifling of the Mint house of great sums of money. To these complaints the Lords made answer, both by letters to the Queen and Council, and by open proclamation¹ to the people, that they being sworn Counsellors of the Realm, and sworn to procure the profit thereof, when they understood the subjects to be greatly hurt by the baseness of the money, which increased the dearth of all necessary wares, they could do no less of their duties than stay the coining of more lay-money, until the Nobility and Council had taken further deliberation therein. And whereas it was given out that they had spoiled the Mint house of great sums, in that point they did remit themselves to the declaration of Mr Robert Richardson, Master of the Mint, in whose hands they delivered all the gold, both coined and uncoined, which was found there.

The Queen being not only certified that the Congregation at Edinburgh was turned pretty thin, but likewise that those that remained there kept no military discipline nor regular watch, it was advised by those about her Majesty not to let slip the opportunity, but to march immediately to Edinburgh. And accordingly, on Sunday the 23d of July, in the evening, they left Dunbar, and the next morning, before the rising of the sun, they were within two miles of Edinburgh.²

¹ This proclamation is the same which I just now mentioned under the name of a Counter Declaration ; but because I see nowhere a just and full copy of it, therefore I cannot affirm for certain whether it was emitted immediately after the Queen-Regent's proclamation, or delayed till some time after. Archbishop Spottiswood, who gives the best abstract of it, says, that the Congregation took no notice therein of what the Regent laid to their charge, concerning intelligence with England, and the design of expelling the French soldiers by force : wherefore that author suspects that they knew themselves to be guilty of that charge, as certainly they were, which the reader will perceive by Original Letters in the Appendix, Number XIII.

² [This must have been a very rapid march during the night, as

The Lords of the Congregation found themselves now in much perplexity; for though they could have saved themselves by flight, yet they neither liked to abandon the citizens, who were generally in their interest, nor cared they to see their ecclesiastick affairs defaced, which they had then brought into the order of their own model. Somewhat encouraged they were by the inhabitants of Edinburgh, as well as by those of Leith, who promised to support them; as also by the coming in of some few gentlemen from the shires of Lothian and Fife, whom they had writ for the Saturday before, which in the end determined them to march out of Edinburgh towards Leith, in order to join their adherents there. But before they could reach thither, that town had surrendered itself to the Queen's army, so that the Congregation made a turn, and retired to the east side of the Craigingate,¹ on purpose to receive the enemy there; but the Queen's party, being privately assured beforehand of the friendship of the Lord Erskine, Governor of the Castle of Edinburgh, which was little thought of by the other party, they prepared to cross the Water of Leith, in order to enter Edinburgh by the West-Port. The Lords of the Congregation, perceiving that it would be but the exposing of a great many lives, should they offer to make resistance, since the Lord Erskine had sent them a threatening message, declaring he would fire upon them should they pretend to stop the Queen from entering the city, they judged it most expedient to accept of the following terms of accommodation, drawn up in the Links of Leith on Monday the 24th of July, and which had been offered them that same day by the Queen.

“ I. That² the Congregation and their adherents, other than the inhabitants of the town of Edinburgh, shall remove

Dunbar is twenty-seven miles from Edinburgh. The Queen-Regent's troops halted on the ground now occupied by the thriving Parliamentary burgh of Portobello.—E.]

¹ [No such locality is now known in Edinburgh as the *Craigingate*. It appears from the text that the Canongate is meant.—E.]

² Because Bishop Lesly gives these Articles somewhat differently, I shall here set down such of them as agree not with these. 1. The inhabitants of Edinburgh (i.e. such of them as were *Congregationers*), may either remain in it, or depart as they shall think fit. 2. That the *Congregation* do

themselves forth of the said town the morrow at ten hours before noon, the 25th of July, and leave the same void, and rid of them and their said company, conform to the Queen's Majesty's pleasure and desire.

" II. The said Congregation shall cause the irons of the coining-house, taken away by them, be rendred and delivered to Mr Robert Richeson, and likewise the Queen's Majesty's Palace of Holyroodhouse to be left and rendered again to Mr John Balfour, or any other having her Majesty's sufficient power in the same matter, as it was resolved ; and that betwixt the making of these Articles, and the morn at ten of the clock. For observing and keeping of these two Articles above written, the Lord Ruthven and the Laird of Pitarrow have entered themselves pledges.

" III. The said Lords of the Congregation, and all the members thereof, shall remain obedient subjects to our Lord and Lady's authority, and to the Queen-Regent in their place, and shall obey all laws and laudable customs of this Realm, as they were used before the moving of this tumult and controversy, excepting the cause of religion which shall be hereafter specified.

" IV. The Congregation, nor any of them, shall not trouble or molest a Churchman by way of deed, nor yet shall make them any impediment in the peaceable brooking, enjoying, and uptaking of their rents, profits, and duties of their benefices, but that they may freely use and dispose upon the same, according to the laws and customs of this Realm, to the 10th of January next to come.

" V. The said Congregation, nor none of them, shall use in noways from thenceforth any force or violence, in casting down of churches, religious places, or apparel thereof, but the same shall stand harmless of them unto the 10th day of January.

" VI. The town of Edinburgh shall, without compulsion, use and chuse what religion and manner thereof they please

restore what moneys belonging to the publick they had privately or by force taken. 5. That the *Congregation* shall at no time hereafter violate any church or religious house. 6. That the city of Edinburgh shall enjoy hereafter liberty of conscience. 7. The Queen shall take care that the preachers be not molested by the Magistrates of the established religion ; nor shall she in any manner vex them herself.

to the said day, so that every man may have freedom to use his own conscience to the day aforesaid.

“VII. The Queen shall not interpose her authority to molest and trouble the preachers of the Congregation, nor their ministry, to them that please to use the same, nor no other of the said Congregation, in their bodies, lands, and goods or possessions, pensions, or whatsoever kind of goods they possess; nor yet suffer the clergy, or any other, either spiritual or temporal jurisdiction, to trouble them in any manner of sort, privately or openly, for the cause of religion, or any other action depending thereupon, to the said 10th of January within written; and that every man, in particular, live in the mean time according to his own conscience.

“VIII. That no men of war, French nor Scots, be laid in daily garrison within the town of Edinburgh, but to repair thereto to do their lawful business, and thereafter to retire them to their garrisons.”

Before I proceed farther, it is fit to notice here the death of Henry II., King of France, which happened on the 8th day of this month of July; which death, as it was much unlooked for, so it could not but mightily influence the affairs of this kingdom. And if it is true what Sir James Melville relates (and I see no reason to doubt of it), our country suffered a great and irretrievable loss thereby. For that gentleman informs us, how that King, having been sufficiently apprised of the troubles which had arisen in Scotland upon account of religion, and that these commotions were rather fomented than settled by the bad counsel which the French officers gave to the Queen-Regent, had taken a resolution, by the advice of his Prime Minister the Duke of Montmorency, Great Constable of France, to send over Mr Melville into Scotland, in order to inform himself whether the subjects thereof had taken up arms merely for conscience sake, and in defence of their religion? or if the Prior of St Andrews had any secret hand in the insurrection, with a sinister view of usurping the Crown? Whether the Congregation in Scotland were rankled by the falsification of any promises that had been made them by the Queen-Regent? or whether they desired another Lieutenant should be sent into Scotland in place of Monsieur d'Oysel, who, his Majesty

had heard, was unacceptable to that people? Mr Melvil arrived at Falkland, where the Queen-Regent then was, the very day on which her army and that of the Congregation faced each other on Cupar-Muir. The chief thing that he laid himself out for, was to know the intention of the Lord James, Prior of St Andrews. To him he was introduced by Mr Henry Balnaves; and the Prior (as who would doubt it) protested he had no bad designs; and for a testimony of his innocence and integrity, declared that he was willing to banish himself for ever out of Scotland, provided the Queen and the King of France would be pleased to allow to his associates a liberty, only such as she had formerly granted them. Mr Melvil satisfied himself with this answer of the Prior (one would think he had been a little too credulous), and without more ado returned with it into France, where, to his great mortification, he found that King lying sick unto death. Immediately after which event, the Duke of Montmorency was discharged from Court, and the Duke of Guise and his brother the Cardinal of Lorraine, brothers to our Regent, and uncles to our native Queen, became the chief favourites of the new King Francis II., husband to our Sovereign. These men presently advised the King and Queen to give orders to the Queen-Regent to prosecute the rebels in Scotland with the utmost force and rigour, and assured her of a speedy assistance from France to quell and reduce them into order. What was performed by the Crown of France, and what success this advice had, will be seen in the following part of this History.

After the accommodation on the Links of Leith¹ was agreed to on Tuesday, the 25th of July, and signed by the Earls of Arran and Huntly, and Monsieur d'Oysel, the Queen-Regent came and took possession of the Palace of Holyroodhouse, situated at the east end of the city of Edinburgh;² and looking upon matters as now brought to a tolerable issue, allowed

¹ [A spacious common extending north-east from the town of Leith, immediately behind Constitution Street, to the shore of the Frith of Forth at Seafield Baths.—E.]

² [The then Palace of Holyroodhouse was only a part of the present edifice, which was completed by Charles II. See the note, p. 16, of this volume. The situation of the Palace, at the east end of the Canongate Street in the Old Town of Edinburgh, where it leads into the royal parks, and to the romantic hills of Arthur's Seat and Salisbury Crags, is well known.—E.]

the Earls of Arran, Huntly, and Marischal, to return home to their own houses. But the two former Earls, the next day after the Pacification, signified a desire to speak with the Earls of Argyll and Glencairn, the Lord James, and some others of the Congregation. Accordingly they all met at the Quarrel-Holes,¹ betwixt Leith and Edinburgh; and there the two first named Earls promised to the other, that if any part of the agreement should be violated or infringed, but especially if the French soldiers were not transported out of the kingdom, that then they would willingly join their forces to effectuate and make good the same. Next day, being Wednesday, the Lords of the Congregation, after having heard sermon in Edinburgh, caused proclamation to be made at the Cross thereof, with sound of trumpet,² of the stipulations agreed upon in behalf of themselves; and then they left the town, and went to Stirling, where, after a new consultation, they drew up the following Bond of mutual defence for maintenance of religion, which was subscribed by all who were present. After which the Earl of Argyll and the Lord James took journey westward, and appointed the Earl of Glencairn, the Lords Boyd and Ochiltree, and some others, to meet them at Glasgow, in order to concert measures for defeating the Queen's projects in the western counties.

THE TENOR OF THE BOND.—“We, foreseeing the craft and sleight of our adversaries, tending all manner of ways to circumvent us, and by privy means intendeth to assaile every one of us, particularly by fair heghts and promises, therethrough to separate one of us from another, to our utter ruin and destruction; for remedy thereof, we faithfully and trewly bind us, in the presence of God, and as we tender the maintenance of trew religion, that none of us shall, in time coming, pass to the Queen's Grace Dowager, to talk or

¹ [Properly *Quarry Holes*, though well named *Quarrel Holes*, as the scene of numerous duels and private rencontres. This locality is near the east end of the Calton Hill of Edinburgh, in the immediate vicinity of the suburb north-east of the Palace of Holyrood, called the Abbey Hill, and of the modern south eastern entrance to Edinburgh, known as the London Road.—E.]

² Such a solemn proclamation was then (and indeed deserved to be) looked upon as a piece of too much arrogance.

commune with her, for any letter or message sent by her unto us, or yet to be sent, without consent of the rest, and common consultation thereupon ; and how soon that either message or writing should come from her unto us, with utter diligence we shall notifie the same one to another, so that nothing shall proceed therein, without common consent of us all. *Att Stirling, the first day of August 1559.*"

I shall leave the reader to make his own reflections on the narrative of this Bond, and on the following resolve made presently thereafter, viz.—“ To seek aid and support of all Christian Princes against the tyranny of the Queen-Regent, in case she should go on to molest them, but especially of England, as being of the same religion with themselves.” But it is remarked by our historians, that the Queen-Regent was more careful to observe the last agreement, than she had been of some former ones. Only they tell us that she took several discreet methods to obtain the High church of Edinburgh for saying Mass, if it were but before or after sermon, but that she was still answered with a flat denial ; or that if she would offer to take the church by violence from them, they behoved to suffer what they could not help, but assured her that they would make use of the next remedy ; and this, we may guess, was to repel force by force. It is likewise said, and probably enough too, that the French soldiers¹ made great disturbances in the churches the time that the people were at sermon, on purpose to make them forsake the churches, and go to some more retired places for that end. But none of their insolences signified any thing at all, so as to induce a voluntary relinquishing of the churches. Mr Knox retired with the Congregation to Stirling, and Mr Willocks remained preacher in Edinburgh.

In the beginning of September there came a French gentleman named Monsieur de la Croc, to certify the Queen-Regent that an army was a-getting together in France, to be transported into Scotland, under the command of her brother the Marquis d'Elbeuf, and that in the meantime a

¹ One half of these lay in the Canongate, the principal suburbs of Edinburgh, and the other half lay in garrison at Leith.

few troops, with money and ammunition, and some gentlemen that were capable to assist her Majesty with their counsel in these troubles, would very speedily arrive. The same gentleman brought likewise letters from the Queen, and Francis, now King of France, her husband, bearing date at Paris the 17th and 24th days of July 1559, to the Lord James, Prior of St Andrews, full of reproaches and menaces. And the bearer also declared, by word of mouth, that he was commanded to say unto him—"That the King his master would rather spend the crown of France, than not be revenged of the seditious persons in Scotland." To all which the Lord James returned an answer in writing to the King of France only, dated from Dunbarton, the 12th of August 1559, importing—"That he had done nothing against God, nor the obedience due to his Majesty nor the Queen, and that he hoped, if his Majesty were informed how that all the late proceedings in Scotland were grounded upon the advancement of God's glory, he, nor any of his subjects, should have no occasion to fear his Majesty's wrath and indignation."

The Queen, who had now got notice of the appointment made by the Lords of the Congregation in the West, and that they had ordered their friends to assemble together on Govan-Muir, near to Glasgow, on Monday the 28th of August, wrote letters on the 10th of the same month to the Earl of Arran, and to every other Lord and Baron in whom she had the least confidence, signifying to them the certain knowledge she had got of that matter, and praying them to convene with their followers to whatsoever place she should advertise by her proclamation.

According to the advice given the Queen-Regent by Monsieur de la Croc, there did very quickly arrive at Leith about 1000 French soldiers, commanded by one Octavian, who brought along with him money and other necessary provisions for war. These soldiers were immediately employed to fortify the town of Leith;¹ but their commander

¹ [After the accession of Francis II., the husband of Queen Mary, to the throne of France, powerful reinforcements were expected in Scotland from that kingdom. The Queen-Regent moved her troops into Leith, and took possession of that town, which she ordered to be fortified, as the most convenient place of safety to which she could retire. Though the

was in a few days dispatched back into France by the Queen, with a request to that King for as many more soldiers, and 100 horsemen in armour, and four ships of war to cruise in the Frith of Edinburgh; with which supplies, if speedily sent, she doubted not to reduce the whole kingdom to a peaceable condition. And that the French King might be the more quick in granting these supplies, the Queen did at the same time advertise him, that the contrary party had demanded assistance from England, Germany, and Denmark; and that they kept correspondence even with some principal persons of the kingdom of France, who had promised to use their endeavours that no supplies should be sent her from thence. Before the return of this Captain, viz. on the 19th September, there arrived in Scotland Nicolas

Queen-Regent at this crisis had the advantage of the "Congregation," she was advised to attempt a negotiation. A treaty was concluded not unfavourable to the insurgents, but the Queen-Regent's mildness was treated by them with ingratitude, and they issued manifestos in open defiance of the Government. They publicly declared that they would seek the assistance of England, and it will be immediately seen, in Bishop Keith's narrative, that they had the boldness to deprive the Queen-Regent of the government, refusing to obey her as the authorized representative of their Sovereign. But this unconstitutional procedure was treated with contempt. The Queen-Regent continued in Leith, and she is accused of levying L.3000 from the inhabitants, which they never recovered. Leith had been fortified by the French under General D'Esse, ten years previously, and the works consisted chiefly of an octangular rampart of earth, with eight bastions, one at each angle, vestiges of which were distinctly visible in 1753. The Queen-Regent commenced a thorough repair of the rampart, assisted by the French auxiliaries under her command, and this movement widened the rupture between her and the "Congregation." Nevertheless, on the 25th of July, a few days after the Queen-Regent marched to Leith Links from Dunbar, a conference was held on behalf of both parties; the Duke of Chatelherault, at that time in her interest, the Earl of Huntly, and the French Commander d'Oysel, acting for the Queen-Regent, and the Earls of Argyll, Glencairn, and others, for the "Congregation." The substance of the negotiation was, that the Queen-Regent was not to molest the Reformed preachers, and the "Lords of the Congregation" bound themselves to be obedient subjects and observe the laws. It is traditionally said that the Queen-Regent thought proper to have the service of the Church of Rome celebrated in the edifice now used as the parish church of South Leith, out of which she ordered the minister's pulpit to be taken; but this was no great infringement of the treaty, when it is considered that the Queen-Regent was in possession of the town in the name of the Sovereign her daughter—that the preacher had fled—and that the Roman Catholic Church was then the authorized ecclesiastical system of the kingdom.—E.]

de Pelue, Bishop of Amiens, together with three French Doctors of Divinity, and Monsieur la Brosse, a military person. The Bishop came with the character of Legate *à latere* from the Pope. And Lesly tells us, that sometime after his arrival he set about purging the High church of Edinburgh from heretical pollutions ; which, he says, was done with a great shew of piety and devotion, and that several of the Scottish Prelates and inferior clergy, following his example, were very diligent and successful in their ecclesiastical ministrations. The same author also informs us, that these Sorbonne Doctors, by their sermons and reasonings, had great success in establishing unsettled persons in the belief of the Catholic doctrine.

The Lords of the Congregation, pursuant to an appointment made among themselves before their last departure from Stirling, met again there on the 10th of September, and thither came to them the Lord Hamilton, eldest son to the Earl of Arran. He had been Colonel of the Scots Guards in France, but having imbibed somehow or other a good liking to the new opinions, and having expressed himself too freely on that subject at Court, he found it prudent to retire first to Geneva, and then to England, from whence he came home into his native country. And having visited his father, then commonly called *the Duke*,¹ he went next to Stirling, and from thence returned to his father at Hamilton, accompanied by the Lords of the Congregation. There he made up some old feuds that were then subsisting betwixt his father and some of those Lords, and gained him so entirely over to the Congregation, as to take part with them. After which there was a letter wrote to the Queen-Regent, dated at Hamilton, the 29th of September, and subscribed by the Duke, the Earls of Arran (that is, the Lord Hamilton), Argyll, Glencairn, Monteith, the Lords Ruthven, Boyd, and Ochiltree, and some others, the substance whereof was—That they marvelled how she unprovoked could so soon deviate from the late appointment, and place a colony of foreigners in the town of Leith, minding thereby to keep the country under a tyrannical subjection. They entreated

¹ Viz. Of Chastelherault in France. And he was styled simply *the Duke*, because there was none other of that dignity in Scotland at the time. His son after his return was sometimes styled Earl of Arran.

her Majesty to desist from that course, and not to drive them to a necessity of seeking the concurrence of their fellow-subjects, for resisting the mischief intended against the whole community.¹ But there were so many letters,² proclamations, declarations, &c. sent and dispersed up and down the kingdom, both to private persons and the body of the people, from the Queen and the Congregation, that I cannot pretend to give an abstract of them all. I shall only take notice in general, that they all tended to clear

¹ [The following is a modernized version of the letter of the "Congregation" sent from Hamilton to the Queen-Regent.—"Madam, We are credibly informed that your army of Frenchmen have instantly begun to plant Leith, and to fortify the same, with the intention of expelling the ancient inhabitants, our brethren of the Congregation, therefrom; wherefore we marvel not a little that your Majesty should so manifestly break the appointment made at Leith [see the note, p. 227] without any provocation given by us and our brethren. And seeing the same is done without any manner of consent of the Nobility and Council of the Realm, we esteem the same not only oppressive of our poor brethren and indwellers of the said town, but also very prejudicial to the commonweal, and contrary to our ancient laws and liberties. We therefore desire your Majesty to cause the same work enterprized to be stayed, and not to attempt so rashly and so manifestly against your Majesty's promise to the commonwealth, the ancient laws and liberties thereof; which things, besides the glory of God, are most dear and tender to us, and our only pretence; otherwise assuring your Majesty we will complain to the whole Nobility and commonality of this Realm, and most earnestly seek for redress thereof." The Queen-Regent, in a reply defending her conduct for fortifying Leith, placed herself in the situation of a harmless bullfinch or linnet surrounded by a crowd of ferocious hawks, as if she were in constant danger of being clutched by the talons of Chatelherault and Argyll, or gored by the beaks of Lord Ruthven and others of the party. "And like as a small bird, still pursued," says the Queen-Regent, "will provide some nest, so her Majesty could do no less, in case of pursuit, but provide some sure retreat for herself and her company; and to that effect chose the town of Leith, a place convenient for that purpose, and no other person could claim title or interest thereto; and also because in former times it had been fortified"—alluding to the ramparts raised ten years previously by D'Esse, as it does not appear that Leith possessed any military works before that time.—E.]

² They are to be seen in Mr Knox's History; and that author seems to own that the Queen's papers gained most credit in the nation, which is the more to be admired, that in the papers emitted by the Congregation, in forming whereof he no doubt had a great hand, there are the most solemn appeals to Almighty God for the uprightness of their undertakings. But it appears our forefathers have then seen, and we their posterity have since learned by dear bought experience, that the usurpation of the sacred name of God is not always a sure sign of the truth, even in publick deeds.

their own side, and load the other with reproaches, and by that means they served chiefly to widen the differences more than ever. So that both parties proceeded to a vigorous prosecution of each other by force of arms.

The Queen's design of fortifying Leith, and making it a place of arms, hath been already mentioned. And the Congregation, to be somewhat even with the Queen in that point, had seized on Broughty Castle¹ on the north side of the mouth of the river Tay, as being commodious for receiving foreign assistance, and likewise for preserving the towns of Dundee and Perth. The Congregation also entered into a resolution to dislodge the Queen's forces from Leith; and for that purpose they came to Edinburgh the 18th of October, and the same day the Queen went from the Palace of Holyroodhouse, and entered into the safeguard of the garrison at Leith. Now, though it be true, as is evident by this last movement, that neither party had been able, by their several declarations *hinc inde* to gain much ground over the other, yet it is as certain, that the charge laid by the Queen against the Duke in particular of a design to usurp the Government, and in general against all the other

¹ [The stately ruins of Broughty Castle are three miles east of Dundee, on a peninsulated rock in the Frith of Tay, close to the modern pleasant village and bathing retreat of Broughty Ferry, distant from the opposite shore of Fife little more than a mile. When Broughty Castle was built, or by whom, is not ascertained, but one of the earliest notices of it is in 1492, and it is then mentioned by Boece as the scene of a foolish and ridiculous prodigy. From 1547 to 1550, Broughty Castle witnessed exploits intimately connected with Scottish history. The Duke of Somerset occupied it with a sufficient garrison in 1547 after the battle of Pinkie, and it was in vain besieged by the Regent Arran, who lost on that occasion all his ordnance. Two attempts against Broughty Castle by the Earl of Argyll and Monsieur D'Esse were also unsuccessful; but the fortress was at last, in 1550, surrendered to the allied forces of the Scots, French, and Germans, commanded by Des Thermes, the successor of D'Esse. A narrative of this siege was published at Paris in 1556, by Monsieur Beague, who was present, and who, after some severe reflections on Lord Gray the then proprietor, a Scottish Nobleman conspicuous for his venality to Henry VIII., states—"Broughty is a castle so conveniently situated, that at full tide, ships of 150 tons may ride at anchor within a hundred paces of it." The Castle was afterwards dismantled, and though occasionally repaired, it was eventually allowed to become a ruin. In Queen Mary's time the greater part of the now finely cultivated tract between the village of Broughty Ferry and Dundee, skirted on the shore by the Dundee and Arbroath Railway, was an unprofitable marsh.—E.]

Lords, to subvert the same one way or other, under the specious pretence of religion, had its own weight with several of their friends; insomuch that many gentlemen, and especially those of Lothian, began to murmur, and did actually cease from giving the Congregation any assistance for some days after they had come to Edinburgh. To eradicate this suspicion from the minds of men, it was judged proper that the Duke¹ should make a solemn purgation of himself from any such design, which was likewise done by sound of trumpet at the Market-Cross of Edinburgh, the 19th of October, in which he protested, that neither he nor his son had ever an intention to affect any pre-eminence, or to usurp the regal authority; but that they had joined themselves to the rest of the Nobility and others, merely to support the cause of religion, and the liberty of the country, which, he said, were plainly invaded by the Queen-Regent and her French soldiers.

The same day the Congregation sent a letter to the Queen-Regent, requiring her to command all soldiers and foreigners to depart the town of Leith, and leave it patent to the Queen's lieges; assuring her Highness, that if she refused to comply with their requests, they would take it as an argument of her intention against the liberty of the kingdom, and that they would provide against the same the best remedy they could. In answer to this message, the Queen, on the 21st of October, sent Lyon King-at-Arms with this writing, viz.—

“ After commendations, we have received your letter of Edinburgh the 19th of this instant, which appeareth to us rather to have come from a Prince to his subjects, than from subjects to them that bear authority. For answer whereof, we have presently directed unto you this bearer Lion Herald King of Arms, sufficiently instructed with our mind, to whom ye shall give credence. *Att Leith, October 21st 1559. MARIE R.*”

¹ It is to be noticed, that the Lord Hamilton returned home by England, where he saw Elizabeth, who, it is said, gave him hopes not of the Crown of Scotland, but also of her marrying him herself; which, if true, no doubt was the argument that brought over so easily his father, and made both so forward to make up old feuds. But see Appendix, Number XIV.

His Credit was this.—“That the Queen wondred how any durst presume to command her in that Realm, which needeth not to be conquest by any force, considering that it was already conquest by marriage; that Frenchmen could not justly be called strangers, seeing that they were naturalized; and therefore that she would neither make that town patent, neither yet send any man away, but as she thought expedient. She accused the Duke of violating his promise. She made long protestation of her love towards the Commonwealth of Scotland; and in the end commanded, that, under the pain of treason, all assistaries to the Duke, and unto them, should depart from the town of Edinburgh.”

The Lord Lyon having thus delivered his Credit, and performed the other part of his office of herald, the Lords, in the first place, ordered him to remain in Edinburgh until he should receive their answer to her Majesty; then they gathered the Nobles, Barons, and burghers of their faction within the Tolbooth of that city, the same 21st of October. The Lord Ruthven¹ was chosen Preses of the meeting, who, after he had declared how matters then stood betwixt the Queen-Regent and them, he desired every one to give his sentiment concerning this question, viz.—“Whether she that so contemptuously refused the most humble request of the born Counsellors of the Realm, being also but a Regent, whose pretences threatened the bondage of the whole Commonwealth, ought to be suffered so tyrannically to domineer over them?” This motion seemed dangerous to some, as wanting a precedent in this kingdom, at least for a great many years back; nay, and that such an action had been always done under the shadow and name of the regal authority. Others again said—The Queen, being only Regent, might very well be prohibited to use the name of their Sovereign, when her proceedings were known to be pernicious to the kingdom. In this diversity of opinions it was thought meet to take the judgment of their preachers. Mr John Willocks, as having performed that office for some time past in Edinburgh,

¹ [Patrick third Lord Ruthven, who was the principal actor in the murder of Rizzio in the Palace of Holyrood, 9th March 1566. He was the grandfather of the first Earl of Gowrie.—E.]

was first called upon. He, after having spoke somewhat concerning the divine ordinance of magistracy, the limitation of it by the Word of God, and the instances of deposing Kings recorded in the Scriptures, did conclude—"That since the Queen-Regent denied her chief duty to the subjects of this Realm, which was, to minister justice to them indifferently, to preserve their liberties from invasion of strangers, and to suffer them to have God's Word freely and openly preached amongst them; seeing, moreover, that the Queen-Regent was an open and obstinate idolatress, a vehement obtainer of all superstition and idolatry, as also she openly declares the country to be conquest, and no more free; and, finally, that she utterly despiseth the counsel and requests of the Nobility, he could see no reason why they, the born Counsellors, Nobility, and Barons of the Realm, might not justly deprive her from all regiment and authority amongst them."

After this the judgment of Mr Knox was required, who, approving the sentence of his brother, added first—"That the iniquity and disorder of the Queen-Regent ought in no wise to withdraw our hearts, nor the hearts of other subjects, from the obedience due unto our Sovereigns. Next, That if we deposed the said Queen-Regent, rather from malice and private envy than for the preservation of the Commonwealth, and for that her sins appeared incurable, that we should not escape God's just punishment, howsoever that she had deserved rejection from honours. And in the last place, he required that no such sentence should be pronounced against her; but that, upon known and open repentance, and upon her conversion to the Commonwealth, and submission to the Nobility, place should be granted unto her of regress to the same honours, from the which for just causes she justly might be deprived."¹

These were the sentiments of the preachers, concerning which Archbishop Spottiswood judiciously observes, that it had been a better and wiser part in them to have excused themselves from giving any opinion in these matters, seeing they might be sure to have it cast in their teeth, to the

¹ [Knox's History, Edinburgh edition, 1732, folio, p. 183. Bishop Keith has considerably modernized the language uttered by Willox and Knox, which is the Scottish vernacular, but the sense is carefully preserved.—E.]

scandal of their profession.¹ However, it seems the multitude of the Congregation was so well disposed to be guided by the preachers, that no sooner had they given out their oracle, and every man being commanded to speak, as he would answer to God, what his conscience judged in that matter, there was none found in the whole number who did not by his tongue consent to the Queen's deprivation, which was quickly drawn up and formed into an Act, a copy whereof may be seen in Mr Knox's History,² who tells us that the same was proclaimed by sound of trumpet at the Market Cross of Edinburgh, and that thereafter the Lord Lyon was dismissed to the Queen with the following letter :

“ Please your Grace:³ We have received your answer, and heard the Credit of Lion King of Arms, whereby we gather sufficiently your perseveration in evil mind towards us, the glory of God, our Commonwealth, and liberty of our native countrey, for saving of the which, according unto our duties, we have in our Soverain Lord and Ladie's name suspended your commission, and all administration of the policy your Grace may pretend thereby ; being most assuredly perswaded that your proceedings are directly contrary to our Soverain Lord and Ladie's will, which we ever esteem to be for the weal, and not for the hurt, of this our commonwealth. And as your Grace will not acknowledge us, our Soverain Lord and Lady's true Barons and lieges, for your subjects, no more will we acknowledge you for any Regent, or lawfull Magistrate unto us ; seeing if any authority you have by reason of our Soverain's commission granted unto your Grace, the same, for most weighty reasons, is worthily suspended by us, by name of authority [*Knox*, in the name and authority] of our Soverains, whose Councill we are of native birth, in the affairs of this our common weal. And forasmuch as we are determined,

¹ [Spottiswoode's History of the Church and State of Scotland, folio, London, 1677, p. 137.—E.]

² [Knox's History, Edinburgh edition, p. 186, 187.—E.]

³ Cotton Library, Caligula, B. 10, and Lawyers' [Advocates'] Library, Edinburgh, Drumsoy's Collections.—[Collection of Letters and other Papers of State relating to the History of Queen Mary, transcribed from the Cotton Library, by David Crawford of Drumsoy, 3 vols. folio, MS. This Collection was printed at Edinburgh, 12mo, 1767, but Bishop Keith refers to the MS. in the Advocates' Library, which he consulted.—E.]

with hazard of our lives, to sett that town at liberty,¹ wherein you have most wrongfully planted your soldiers and strangers, for the reverence we ow to your person, as mother to our Soverain Lady, we require your Grace to transport your person therefrom, seeing we are constrained by the necessity of the Commonwealth to force the same by arms, being denyed liberty thereof by sundry requests made before. Your Grace would cause depart with you out of the said toun any person having commission of ambassade, if any such be, or lieutenantship of our Soverains, together with all Frenchmen soldiers being within the same, whose blood we thirst not, because of the old amity and friendship betwixt the Realm of France and us ; which amity, by the marriage of our Soverain Lady to the King of that realm, should rather increase than decrease. And this we pray your Grace and them to do within the space of twenty-four hours, for the reverence we ow unto your persons. And thus, recommending our humble service to your Grace, we commit your Highness to the eternal protection of God. *At Edinburgh, the 23d of October.*

“ By your Grace’s humble Serviteurs,

“ The Council having the authority unto the next Parliament, erected by common election of the Earls, Lords, and Barons, convened at Edinburgh, of the Protestant faction.

EARLS.

The MASTER of MAXWELL.

“ My LORD DUKE’S GRACE,
and EARL of ARRAN.

BARONS.

The E. of ARGILE.

TULLIBARDINE.

The E. of GLENCAIRN.

The LAIRD of DUN.

LORDS.

The LAIRD of PITARROW.

JAMES of ST ANDREWS.

The Provost of ABERDEEN for
the Burrows.”

The LORD RUTHVEN.

The names of the whole twenty-nine Lords and Barons, out of which the forenamed Counsellors were chosen are, my Lord Duke, Earls of Arran, Eglinton, Argyll, Rothes, Morton, Glencairn, Marischal, Sutherland ; Lords Erskine,

¹ [Leith.—E.]

Ruthven, Home, Athens,¹ Prior,² Livingston, Master of Maxwell, Boyd, Ochiltree; Barons Tullibardine, Glenorchy, Lundy, * * * Dun, Lauriston, Cunningham, Calder, Pitarrow; Provosts of Edinburgh, St Andrews, Dundee.

The whole stress, as I conceive, of the Act of Deprivation, and of this letter transmitted to the Queen-Regent by the Lord Lyon, seems to hang upon the *Deprivers* their being born Counsellors to their Sovereign. It will, however, remain a question, whether the Counsellors of the realm could in reason convene together of their own accord, without the knowledge, and certainly without the approbation, of their Sovereign; declare that to be the will of their Sovereign which they were inwardly assured was not their Sovereign's mind; and proceed to the suspension of a person from the Government who had her commission immediately from the Sovereign, and independently of them, without ever so much as acquainting or pretending to acquaint their Sovereign of their intention, or desiring her commission to be recalled. Besides, seeing of this council that proceeded to deprive or suspend the Sovereign's representative, some were indeed Lords of the realm, others only Barons of the inferior order, and others only magistrates of towns; if all these shall be supposed to be born Counsellors, which, however, I think is much to be questioned, it would appear to have been requisite that the greatest part of these born Counsellors had been convened in order to take under their consideration such a nice point of government, and to form an act which

¹ This was Alexander Gordon, son to the Lord Gordon, by his lady, a natural daughter of King James IV. He was bred up for the Church, and after the death of Dunbar, Archbishop of Glasgow, he was named for his successor in that See; but James Beton, Abbot of Aberbrothock's interest being greater than his at Rome, Beton was consecrated anno 1552. However, the Pope bestowed on Gordon the empty title of Archbishop of Athens. He likewise got a promise of the first vacant benefice in Scotland to support his dignity. Accordingly he became Bishop of the Isles, 26th November 1553, and obtained the Abbey of Inchaffray *in commendam*. He was afterward translated to the Bishopric of Galloway 1558. He was a Judge of the Session till his death in 1576. A late writer says, this gentleman remained ever addicted to the Queen's interest. How true that is, his subscription here doth best evidence.

² [Lord James Stuart, then styled Prior of St Andrews, or, as he signs himself in the above insolent document sent to the Queen-Regent, JAMES OF ST ANDREWS.—E.]

struck at the very foundation of the Government ; but that this was not the case, I think may be pretty evident to every one that inspects our history even as recorded by the staunchest supporters of this Act ; very few persons having been present at the framing of it, in comparison of the whole. And for this reason perhaps they thought fit not to sign the Act man by man, but to wrap it up after this general manner, viz. *By us the Nobility and Commons of the Protestants¹ of the Church of Scotland*. But their hand was already in rebellion, and for my part I think it was their honestest course to avow it openly.

Bishop Burnet, in his History of the English Reformation, vol. iii. p. 281, tells us “ of a long representation which he met with in the Cotton Library, of the breach of faith and violation of the laws during the Queen-Regent’s government ; at the end of which there is a petition to the Queen,² signed by the great Lords of this kingdom, in which both Papists and Protestants concurred. And in order to obtain that concurrence, the matters of religion are not insisted on, but the continued course of a perfidious and illegal administration is charged on the Queen Dowager. So that from this it appears that the war was not begun, nor carried on upon the account of religion, but upon the pretence of publick and national rights.” This long representation he hath put in the Appendix to his History,³ where our readers may find it. It takes notice of the fortifying of Leith, and suspension of the Dowager’s authority ; and yet the petition at the end of it bears date in August 1559. The subscribers to the petition are, JAMES HAMILTON (this the Bishop supposes to be the Lord Hamilton, but that gentleman did not arrive in Scotland till the month of September), ARD. ARGYLL, GLENCARNE, JAMES STEWART,

¹ If the virtue of this Act proceeded from the consideration of religion, had not the Papists of the Church of Scotland equal right to make an act of restoration to and confirmation in the Regency ?

² What Queen the Bishop meant is uncertain, nor is there any thing in the petition to clear it. But in the end of the representation it is very plain that they mean the Queen of England ; for their words are these—“ And therefore they have communicated their hole cause to certayn of the Queen’s Majestie’s ministers upon the Borders.”

³ [The reader will find this document in the Appendix to all the editions of Bishop Burnet’s History of the Reformation.—E.]

ALEX. GORDON, son to the Earl of Huntly, according to the Bishop. I reckon he has been the Archbishop of Athens ; JOHN * * * (I suppose this might be the Laird of Dun) ; R. BOYD, UCHILTRE, JOHN MAXWELL, RUTHVEN, JAMES STEWART (this the Bishop conjectures, though without any ground, to be the Earl of Atholl's son, and the former of this name to be the Prior of St Andrews, in which last no doubt he has reason). But it is strange to hear the Bishop affirm, that these few subscribers were the *great Lords of the kingdom*, both Papists and Protestants : For by the whole tenor of our History, the reader will perceive that these subscribers, except Gordon and Stewart, were the great and constant sticklers for an alteration in religion ; so that the Bishop's readers would take care not to suffer themselves to be carried off with every misrepresentation of our affairs. This declaration of the confederate Lords, as it is called, serves to inform us what was the foundation of the authority of the Council that proceeded to the suspension of the Queen-Regent ; for towards the end thereof there are these words—“ *And nowe the Duke and the rest of the Nobilitie, with the Barons and Burgeses of the realme, — were in the end constrayned to constitute a Counsayle for the governance of the Realme, to the use of theyr Soverayn Lady ; and therewith humbly to signifie to her the reasonable suspension of the Dowager's authoritie, which to mayntayn they have of themselves, as natural subjects.*”

Having hitherto forgot to take notice of two treaties of peace made with England this year, I shall here give my reader an account of them. The first was concluded on the 2d day of April this year 1559, at the Castle of Cambray, a city in the Low Countries. There was a double treaty here at this time,¹ one betwixt the Crowns of France and England, the other betwixt the Crowns of Scotland and England. They are both of the same date, and the plenipotentiaries are the same in both, viz. for the part of France and Scotland, Charles Cardinal of Lorrain, Anne Duke of Montmorency ; Jacques d'Albon, Marshal of France ; John

¹ *Fœdera Angliæ*.—[Rymer's *Fœdera*, folio, vol. xv. p. 511, 512. The treaty is in French, and appears to have been drawn up at Paris on the 22d of the preceding January.—E.]

de Morvillier, Bishop of Orleans, and Claude de l'Aubespine, Knight, and Secretary of State; for the part of England, Sir William Howard, Lord Chamberlain to the Queen, Thomas Bishop of Ely, and Nicholas Wotton, Dean of Canterbury and York. The only Articles of this peace that are worth noticing are these—1. That the fort built at Aymouth, and any other fortification or innovation that shall be found to have been made within the limits of Scotland, before the publication of this present peace, from the time of the peace concluded at Bologne in March 1545, shall be demolished within three months after the conclusion of this treaty, nor shall there be built, or re-fortified, any other place of strength, contrary to the present treaty. The like obligation to be binding on the English nation, with respect to any fort already built, or to be built by them, within or near the said limits of Scotland. 2. That all rights, actions, exceptions, &c. shall remain entire, as they are presently claimed by the respective Sovereigns of the kingdoms of Scotland and England, nor shall any alteration be made therein by the present treaty.¹ 3. Seeing the plenipotentiaries for Scotland have not sufficient knowledge of the state of affairs depending betwixt the Crowns of Scotland and England, therefore they have deferred to decide on certain articles respecting the peace and concord of the two kingdoms, viz. the granting of passports and letters of safe-conduct, murders, thefts, robberies, depredations, cutting of trees, shipwrecks, &c.; and they do agree and stipulate that commissioners, duly instructed by the respective Sovereigns of Scotland and England, shall meet at a certain day and place appointed for that effect, before the expiration of two months from the date of this present treaty, and then and there shall determine of the above mentioned articles as shall be found most for the benefit of both the kingdoms. And in the meantime, the subjects of both kingdoms shall be bound to regulate themselves in the foresaid points, conformable to the treaty of peace above mentioned.

The other treaty of peace concluded this year betwixt

¹ This shews that Queen Elisabeth has not thought this a proper season for her to enter upon the discussion of the right claimed by our Queen to the Realm of England.

Scotland and England was that of Upsettlington,¹ a pleasant country village on the north side of the river Tweed, within the Borders of Scotland, five miles west from Berwick. It was a suppletory treaty, set about merely for adjusting the points left undecided at the former.² The commissioners for Scotland were James Earl of Morton, Alexander Lord Home, Henry Sinclair, Dean of Glasgow, and James Macgill, Clerk of Register and Council. Those for England were Thomas Percy, Earl of Northumberland, Cuthbert, Bishop of Durham, William Lord Dacre, and Sir James Crofts, Captain of the town and castle of Berwick. Besides the regulating of these things that were reserved to be adjusted in this treaty, it was agreed that the bounds, limits, &c. of the two kingdoms should continue the same as in the time of Philip and Mary King and Queen of England; that the town of Berwick should not be molested by the Scots, nor should the English give any molestation to the Scots from that garrison; that no letters of safe conduct be granted to the subjects of either kingdom, without they be suted for by the proper Sovereign of those subjects.³ This treaty was finished and drawn up at the church of Our Lady of Upsalinton⁴ the 31st of May, and duplicates thereof were delivered and exchanged in the parish church of Norham, just opposite, on the English side of the Tweed, that same day.

¹ [A small village in the parish of Ladykirk, on the Tweed, seven miles from Berwick.—E.]

² [See the treaty, in Latin, in Rymer's *Fœdera*, folio, vol. xv. p. 525, 526, 527.—E.]

³ What regard the Queen of England paid to this article will appear from this History, and the collection of Original Letters in the Appendix relating to this period.

⁴ [James IV. erected the church at the village of Upsettlington in 1500, which he dedicated to the Virgin Mary, and changed the ancient name of the parish, which was that of the village, to Ladykirk. The parish church of Our Lady at Upsettlington, or Ladykirk, is a very handsome and substantial Gothic edifice in the form of a cross, but greatly disfigured by the barbarous alterations perpetrated for the Presbyterian congregation. In the former church of Ladykirk a treaty, well known in Scottish history, was concluded, and in 1291 the competitors for the Crown, with the Scottish Bishops, Nobility, and others, assembled near it on Holywellhaugh, opposite Norham Castle, in the presence of Edward I., to settle the disputed succession to the Scottish Crown.—E.]

CHAPTER X.

CONTAINING AN ACCOUNT OF PUBLICK AFFAIRS, FROM THE SUSPENSION OF THE QUEEN-REGENT IN THE END OF OCTOBER 1559, UNTIL THE TREATY MADE AT BERWICK BETWIXT THE QUEEN OF ENGLAND AND THE LORDS OF THE CONGREGATION, IN THE END OF FEBRUARY ANNO 1559-60.

THE Act of Deprivation or Suspension, as it was termed, having been notified to the Queen-Regent in the letter directed to her by the Congregation, the next step they made was, on the 25th of the same month, to summon, by a herald, all Scottish and Frenchmen to desist from fortifying the town of Leith, to depart out of it within the space of twelve hours, and to leave it patent and open to all and sundry their Sovereign Lady's lieges.¹ But this summons being disregarded, it was resolved, by the Lords and Chiefs of the Congregation, to enter the town of Leith by scaling ladders, which they appointed to be made within St Giles' church in Edinburgh, to the great displeasure of the preachers, who affirmed, that they dreaded the success of that enterprize, which began by such irreverence put upon the places where the people ought to convene to common prayers and preaching, and that God could not suffer such contempt to remain long unpunished ;² and the truth is, the disorder which appeared already among them, and which emboldened their preachers to deal so plainly by them, did hourly increase, for the Queen by her address had wrought off many of their party; and besides, she had fallen on ways and means to entertain her spies among them, who acquainted her from

¹ [The insurgents had previously told the Queen-Regent their opinion of her French troops in Leith, and had declared that "no honest men durst commit themselves to the mercy of such *throat-cutters*." After they appeared before Leith, they sent a messenger to the rampart, with a long-winded summons in the name of their "Sovereign Lord and Lady" Francis and Mary, alleging that they entertained "no hatred" towards any party—a statement scarcely consistent with the appellation of *throat-cutters* recently bestowed by them on the French forces.—E.]

² These very same men thought it no crime to pull down edifices built for, and employed in, the worship of God. But their form of worship was *purser* than the other.—[This is, of course, ironical.—E.]

time to time with their most secret projects ; and, which was worst of all for them, the soldiers they had hired began to mutiny for want of regular pay ; and if any one endeavoured to appease these soldiers he was severely threatened by them ; nay, they actually slew one of the Earl of Argyll's gentlemen, who would have reasoned them into better order. And to shew what little trust was to be reposed in them, these very men had formerly made proclamation in Linlithgow—That they were ready to serve and assist any man for money, to suppress the new *Congregation*, and to re-establish the ancient worship.¹ Nor was this all ; for even the Duke, who had shewed himself so keen for that party of late, being now shaken by the discourses of some of his friends, and the falling away of several of his followers to the Queen, grew fearful, and by his terror discouraged many.

In this vexatious posture of affairs the Lords of the *Congregation* called a meeting, in order to consult what was most proper to be done in the present juncture, and in it they resolved that it was first of all necessary to pay off and appease the soldiery. But seeing money could not be raised, some being really poor, and others preferring their cash to their cause, it was resolved on and agreed that every Nobleman should give in his silver plate, to be melted down and coined, for a supply to the present necessity. But when that came to be done, the workmen of the Mint stole away, and conveyed with them the stamps and irons thereof. This expedient thus failing, the only remaining and last resource of money was from England. To which purpose Mr Cockburn of Ormiston was privately directed to Berwick, to confer with Sir Ralph Sadler, and Sir James Crofts, captain of that town and castle, in order to obtain such a sum as would

¹ [The want of pay seems to have been the chief cause of disaffection in the ranks of the "*Congregation*." Knox admits their venality and sordid motives. "The men of war," he says, "who were men without God or honesty, made a mutiny, because they lacked a part of their wages. They had done the same in Linlithgow before, when they made a proclamation they would serve any man to suppress the *Congregation*, and set up the Mass again." In short, they were all "purchaseable" by any party. The construction of the scaling ladders in the church of St Giles, however, was not without its effect. The ban of the preachers on that account was more potent than the Lords of the "*Congregation*" supposed, and it soon became evident that nothing would succeed with which those unfortunate implements had any connection.—E.]

supply their present occasions. Yet this their design was not kept so secret but that the Queen had notice of it, who thereupon persuaded the Earl of Bothwell to waylay Ormiston in his return, which that Earl did so effectually, notwithstanding some engagements to the Congregation, that he made himself master of 4000 crowns, being the whole which that gentleman had procured at Berwick.¹

On the last day of October, James Halliburton the Provost, and the other townsmen of Dundee, together with some soldiers, marched towards Leith, in order to plant against it some great guns which they had carried with them. This being perceived by the French soldiers in garrison there, they sallied out, beat off the men of Dundee, took their cannon, and chased them up into the very city of Edinburgh. The consternation was so great, lest the Frenchmen should prevent their return thither, that while each endeavoured to save himself, the weak were trodden down by the strong, and the foot were trampled under by the few horse that were present, each striving who should get first into the Port of the Netherbow, which is the east gate of that city,² and at which narrow passage the clamour and disorder was so great, that, says Mr Knox, “we lust not to express with multiplication of words;” and the amazement became so universal in the city, that with much difficulty the citizens and others could be restrained from running out by the West Port; and even some who stood in the highest estimation among them, and others who had pretended the greatest zeal for the work of Reformation, began to withdraw themselves secretly from the cause; and such as had the hardiness to continue firm appeared quite at a loss what counsel they should follow, never abiding fixed in one opinion for twenty-four hours together. And because

¹ See Appendix, Number XV. By the letters referred to in the Appendix it appears, that the difference betwixt the English and the Scottish money was become the same at that time as it is now, if so be that one crown contained three Scottish pounds as at present; which seems to be exceeding probable, seeing the letter mentions L.1000 of English money to have been delivered to Mr Cockburn.

² [This edifice existed in Bishop Keith's time, but was removed by the Magistrates in 1764. It stood between the east end of the High Street and the Canongate, and the locality is still known as the Nether-Bow. A view of it is given in Maitland's History of Edinburgh, folio, 1753, p. 140.—E.]

the Queen's partisans were, according to their duty, very diligent in taking off such persons as they could have any influence upon from the adverse party, therefore Mr Knox doubts not but "God would recompense their malicious craft in their own bosom;" and thus prays—"Render, Lord, to the wicked according to their malice." In this conflict that author reckons not above ten soldiers on his side to have been slain; but Bishop Lesly says a good many were amissing, and of that number Mr Halliburton, the chief leader of that day's expedition.

On Monday, the 6th¹ of November, when news was brought that the garrison of Leith had marched out to intercept some provisions coming towards Edinburgh, the Earl of Arran and Lord James Stuart issued out, and charged the French soldiers more fiercely than prudently, by which they were upon the very point of being shut out from the city. They were almost totally surrounded on the marshes betwixt Restalrig and the Palace of Holyroodhouse, and in that jeopardy the whole company very narrowly escaped being cut in pieces; however, there were only about thirty persons killed, and some few taken prisoners. This second misfortune had its natural consequence of rendering the affairs of the Congregation still more perplexed; many more withdrew from them, and all were grown now almost desperate. And when scarce any could be persuaded to remain at Edinburgh in a military posture, though much pressed by the Earl of Arran and Lord James, it was at last agreed to leave the city, because, as was pretended, the Lord Erskine, Governor of the Castle, who had shewed them some favour during the skirmish that happened on the last day of October, would not promise to befriend them for the future; and accordingly they all departed from Edinburgh² that same day towards midnight, marching directly for Stirling; and so great was the pannick that then seized them, that they never halted till they had arrived there. On Wednesday, the 8th of November, Mr Knox gave a sermon to the Congregation at Stirling, who, he tells us, *were much erected by*

¹ Monday was certainly the 6th of November this year, but Mr Knox says it was the 5th. And Mr Buchanan says, this exploit was on the 5th of the month, but mentions not the day of the week.

² See Appendix, Number XVI.

his discourse. After dinner he was called on by the Lords to come into the Council ; at which it was concluded to send William Maitland,¹ younger of Lethington, to London (he had been Secretary to the Queen, but had sometime before left her at Leith, and joined himself to the Congregation), there to expose their state and condition to the Queen and Council of England. He was likewise ordered to lay before them the eminent dangers that would arise to England, if the French were suffered to fortify places and plant garri-sons in Scotland ; and that if the Scots were overcome, either by force or by fraud, the French would thereby have an easy step to invade the English, and infringe their power. It was also agreed in council that their next meeting should be at Stirling on or about the 16th day of December following ; and that in the meantime, the Noblemen should depart each to their own home, and there remain quiet until the day appointed. This account we have from Mr Knox, who nevertheless informs us, in concurrence with our other historians, that the chiefs of the Congregation did separate themselves into two parts of the kingdom, viz. the Duke, Earl of Glencairn, the Lords Boyd and Ochiltree, and their friends, into the West, and had their residence in the city of Glasgow, for comfort of the country, and for giving of answers as occasion should require ; and that the Earls of Rothes and Arran, the Lord James, and Master of Lindsay, and their adherents, did remain together within the county of Fife for the same purposes. And finally, for keeping up and conveying intelligence betwixt these districts, Mr Henry Balnaves was ordered (as a Secretary) to attend the Noblemen residing at Glasgow, and Mr John Knox those in Fife.

The Duke, at his coming to Glasgow, caused all the images and altars in the churches there to be pulled down, and seized on the castle, which belonged to the Archbishop of that See.² This piece of news having reached Edinburgh,

¹ See Appendix, Number XVII. There was no need of Mr Maitland's refined art to persuade the Court of England ; for it was a sure retreat for them, as may be seen by the Letters in the Appendix, written by the publick Ministers of that kingdom.

² [The Duke of Chatelherault, better known by his former title of Earl of Arran, destroyed the interior of the churches, and seized the castle of Archbishop Beaton, which stood near the Cathedral on the ground now occupied by the Royal Infirmary. The Archbishop procured the assistance

the Queen-Regent sent instantly some French soldiers, along with the Archbishop, for the recovery of the castle; who being likewise assisted by the Lords Seton, Sempill, and Ross, and the Duke's people having left the town upon notice of their approach, the castle was soon regained, and the French immediately returned to Edinburgh. We are not told the exact time when this expedition happened, but if it was in November, it is certain the Duke has speedily repaired to Glasgow after the French left it; for on the 29th of that month we find him there, commanding, by public proclamation, all the clergy to come and join themselves to the Congregation, or otherwise to be holden as enemies to God and true religion, and to have their benefices taken from them. But because the Proclamation is not long, and that for its singularity some may be desirous to read it, I subjoin it as recorded by Mr Petrie,¹ who had it, he tells us, and the other after mentioned, from the Laird of Dun; and though they be only in MS., yet he assures us that the signet affixed to them was (at that time) whole and entire, which makes him conjecture, not without reason, that these Proclamations have never been in print.

“ FRANCIS and MARY, King and Queen of Scots, Daulphin and Daulphinness, of Viennois.²—To our Lovets, Messengers our Sheriffs in that part, conjunctly and severally specially constitute, greeting: For so much as it is understood by the Lords of our Privy Council that be Reformed, of the suspicion of the Queen Dowzier's authority, the samine is, by consent of the Nobility and Barons of our Realm, now by God's providence devolved unto them; and their chief and first charge and study is, and should bee, to advance the glory of God, by maintaining and upsetting true preachers of the Word, reforming of religion, and subversion of idol-

of some French soldiers, recovered his castle, and expelled the Duke and his followers. Archbishop Beaton, who was a near relative of the Cardinal, retired to France early in 1560.—E.]

¹ [“ Compendious History of the Catholic Church, from the year 600 to 1600, with the History of Scotland's Assemblies to 1605,” by Alexander Petrie, folio, 1652.—E.]

² It seems the *Congregation* liked not to give the Queen and her husband their rightful title of King and Queen of France, which they were then become.

atry. And there are divers of the clergy who have not as yet adjoined themselves unto the Congregation, nor made open testification of their faith, and renunciation of idolatry : Our Will is herefore, and we charge you straitly, and command, that incontinently, these our Letters seen, ye pass, and in our name and authority, command and charge all and sundry of the clergy who have not as yet adjoined themselves to the Congregation as said is, by open proclamation at all places needful, that they compear before the Lords of Counsell at Saint Andreus, the day of , and there give open testification of their conversion, with plain confession of their faith, and renunciation of all manner of superstition and idolatry ; with certification unto them, if they fail, they shall be reputed and holden as enemies to God and true religion, and the fruits of their benefices shall be taken away, one part thereof to the true preachers who ministrate truly the Word, and the remanent to be applied to the forthsetting of the common weil of our Realm. The which to do, we commit to you conjunctly and severally our full power, by these our Letters, delivering them by you duly execute, and indorsed again unto the bearer. Given under our Signet, at Glasgow, the penult day of November, of our reigns the first and seventeenth years.”

Notwithstanding this Proclamation, some Bishops, says Mr Petrie, intended a new persecution, whereupon the Council of the Congregation sent forth another Proclamation in the following words :

“ FRANCIS and MARY, &c.—Forsomuch as the Lords of our Council, understanding the great hurt and iniquity that in times past hath proceeded to the members of Christ’s Church, by maintaining and upholding of the Antichrist’s laws and his Consistory, boasting, (i. e. threatning), and fearing the simple and ignorant people with their cursings, gravatures, and such like others their threatnings, whereby they sate on the consciences of men of long time bygone : Ordained that no Consistory should be afterwards holden, hanted, nor used, having respect that there be enough of civil ordinary judges, to the which our lieges may have recourse in all their actions and causes. And not the less, the said

Lords are informed, that certain wicked persons within the city of Brechin,¹ malevolent members of the said Antichrist, contemptuously disobey the said Ordinance, and cease not still to hold Consistory, and execute his pestilent laws within the said city, in contempt of us, and our authority: Our Will is, therefore, command and charge the Commissary and Scribe of Brechin, and all other members of the said Consistory, and others our lieges whatsoever having interets, that none of them take in hand to hold any Consistory for administration of the said wicked laws, or assist thereto in any way from thenceforth, under the pain of death, as ye will answer, &c. Given under our Signet at Dundy, the fourteenth day of December, and of our reigns the second and eighteenth years.”²

“ Out of these Proclamations, and all other proceedings heretofore,” says this author,³ “ it appears clearly, that whatsoever was done had the authority of the public convention of the Estates, and lesser things were done by the Council.”

As to the contents of these two Proclamations, I am apt to believe an unbiassed reader will look upon them as pretty singular, and will judge it a no small hardship for men to be charged by such pretenders to authority, either to alter their sentiments with respect to religious matters, or to lose their livings; and further, to be exposed to all manner of insult from an enraged rabble, such as cannot fail to fall upon men, when once they are declared publicly *enemies to God and the true religion*. But it is not as of late; the tables are now turned, and those poor men, who but yesterday petitioned for liberty only to serve God in their own way, have now obtained a new *light*, together with their new *force*, and death itself is become the penalty of disobedience to their high commands! Again, with respect to the glosses and reflections placed by Mr Petrie upon these Proclamations, if these be all the documents he can produce

¹ It is the seat of a Bishop in the county of Angus, five miles west of Montrose, and situated on the north side of the river of Southesk. The present Bishop was Mr John Sinclair, Lord President of the Session, and formerly Dean of Restalrig, near Edinburgh.—[Brechin is eight English miles from Montrose.—E.]

² This shews it to be certain that the Queen’s father, King James V., did not die later than the 14th of this month. ³ [Petrie.—E.]

for a regular and lawful proceeding in the work of Reformation, it is much to be questioned whether he will convince the judgment of the impartial ; for though such arguments may serve to blind the eyes of those who are once engaged in a party, and who see every thing through the false colours of faction, yet they who are willing to allow naked truth to take place, whether it make *for* or *against* them, can never think themselves obliged to maintain, that Proclamations emitted by *eight* or *ten* Lords, with some thousands of the populace at their heels, combined together upon whatsoever account, in name of, but palpably against, an uncontroverted supreme authority, can be of any force to justify the proceedings following thereupon. There is no honest man, of a cool and impartial judgment, who would preserve sacred that authority which is the great band of the people, and keep inviolated the fundamental rock on which society itself is built up in safety, but must look with horror and detestation upon such presumptuous and unwarrantable attempts, however clothed with audacious pretensions, assuming more than a Papal infallibility, in dogmatically dictating a faith they ought at most to have but persuaded, and imposing and dragooning upon others a religion which they themselves had but just taken up.

It is true, a supine negligence had possessed the clergy, and egregious abuses had crept into the Church. Nothing was indeed more wanted than a Reformation in both ; yet our religion tells us, and the practice of our Saviour and his Apostles fully manifests unto us, *Evil is not to be done that good may come of it*. Herman, Bishop of Cologne, made a pious and Christian attempt for recovering the Primitive and Apostolick Institutions, and purging from error and superstition the House of God, for which he was deprived of his spiritual authority by the Pope, and of his temporal possessions by the Emperor, yet the method he took was highly religious and commendable. Nay, Henry VIII. of England, in the Reformation begun by him, if he can be said to have made any Reformation, further than from the assumed absolute authority of the Bishop of Rome, though few suppose his motives either holy or just, yet in so far as his legal supremacy was interposed, and his management authorised by the laws of the land, and followed forth by his son and successor King

Edward, and afterwards by his daughter Queen Elisabeth, the affair of religion was managed in that kingdom on a legal foundation, and to much a better purpose than here in Scotland, where all was carried on from a principle of covetousness in some great ones, and where popular fury was egged forward by hot-headed zealots, who thought there could be no Reformation without pulling up some *good*, and all *indifferent* things, together with the *bad*, and so totally defaced the ecclesiastical polity, and trampled under foot all civil authority, that the wounds given to the one and the other at that time are rather a scandal than an ornament both to our Reformation and its authors. Nor ought any to be traduced and censured as enemies to a Reformation, merely because they cannot approve of the false steps so taken to bring it about; for had the Earl of Arran during his Regency stood firm to the new doctrines, and brought matters regularly before the Parliament, it might have been hoped that several of the Bishops would have concurred in a Reformation of such things as were most blameable, by which means we might have enjoyed a true Christian ministry, and the service of God might have been performed with that decency and beauty which the nature of it requir-eth. But when the Bishops saw things carried on by open rebellion and mobbing, when they saw such universal rapine and levelling, and when nothing would please but a renunciation of their own sacred Orders, and a truckling under some of the meanest mechanicks, to be either received or not received as ministers of the Church of Christ, according as they should think proper; what wonder is it that such a Reformation looked formidable and detestable unto them, and in very deed no better than an utter overturning of all that was sacred?¹

¹ Alexander Gordon, Bishop of Galloway, was the only Prelate of that dignity in office at the time who turned Protestant, and yet he was so far from being allowed to exercise any episcopal jurisdiction, that when he craved to be visitor only of the churches in the district of Galloway, it was refused him, and another was preferred. Nor was he ever nominated to be a Superintendant by the new modelled Assemblies; nay, he was once suspended by them from the office of an ordinary preacher.—[Bishop Gordon's connection with the new preachers, and his traffickings with them, are given in the "Booke of the Universall Kirk of Scotland," printed for the Bannatyne Club; and also in the present Editor's "History of the Episcopal Church of Scotland from the Reformation to the

To return now to our History. The Queen-Regent, the day after the Congregation had left Edinburgh, gave orders to the French troops to march up from Leith, and take possession of that city, which accordingly they did. And immediately all the favourers and abettors of the Congregation, that had not departed with them, were now constrained to leave the place, the Romish worship was restored, and the High church¹ was consecrated anew by the Bishop of Amiens. The Queen despatched likewise an express to France, with an account of the prosperous situation of affairs, and with a request for more forces to be sent her with all expedition, which might help to render the victory complete. And it is indeed very probable, that if the Congregation had not received succours from England, they would have been in no condition to hold it out longer against the Queen-Regent, even though she had not received any further assistance from France. But the Queen of England was too clear-sighted to let slip the present opportunity, in supporting those of the same religion and interest with herself in Scotland. For though it was argued by some of her Council,² that it was of bad example to assist the subjects of another Prince in their rebellion, yet she knowing the claim that was laid to her Crown by Mary Queen of Scotland,³ and

Revolution." Bishop Gordon was allowed to exercise the office of "Superintendent" of Galloway. (See Booke of the Universall Kirk of Scotland, 4to, Part I., 1839, p. 32, 38, 52, 65, 77, 83, 112, 114. Our Historian farther errs in stating that Bishop Gordon of Galloway was "the only Prelate of that dignity in office at that time who turned Protestant." Adam Bothwell, Bishop of Orkney, was another.—E.]

¹ [St Giles' church, a part of which is designated the High church.—E.]

² See Appendix, Number XVIII.

³ The reader will please know, that after the death of the children of Henry VIII., King of England, our Queen had the undoubted right to that Crown, as being nearest heir, descended of the eldest daughter of Henry VII., who was wife to our King James IV. But Elisabeth, now in possession of the Crown of England, having been born of Anne Bolen, whom King Henry had married after divorcing, and during the life of his first wife, and her said father during his lifetime having, by Act of Parliament, set her aside from all succession, her birth was looked upon by our Queen as spurious; so that immediately after the death of Mary Queen of England, King Henry's lawful daughter, our Queen took upon her, as hath been already remarked, the title of Queen of England, and bare a coat of arms as such, which for the sake of the curious I shall here describe. The coat (because of the marriage of our Queen with the Dauphin of France), was borne *baron* and *femme*. In the first was the

that if the Romish party prevailed there, she run a great risk of having it wrested from her head, sent back word to the Lords of the Congregation, that they might expect assistance from her, upon such conditions as should be agreed to, at a meeting of Commissioners duly instructed with proper powers for that purpose.¹

With this answer from the Queen of England, Robert Melville, brother to the Laird of Raith, who went in company with Secretary Maitland to London,² arrived the 20th of December; and some chiefs of the Congregation having according to appointment met at Stirling, sent again into England with all diligence a return to that Queen. What this return was we are not told; but we may safely conclude that it consisted of *thanks* to her Majesty for her generous promise

coat of the Dauphin, which took up the upper half of the shield, and the lower half contained the Arms of Scotland. This impaled quarterly, 1. The Arms of Scotland. 2. The Arms of England. The 3d as the 2d. The 4 as the 1. Over all, half an escutcheon, the sinister half being as it were obscured or cut off, perhaps to denote that another had gotten possession of the Crown to the bearer's prejudice. Under the Arms were writ these lines—

“The Arms of Mary Queen Dolphiness of Fraunce,
The noblest Lady in earth for till advaunce;
Of Scotland Queen, and of England, also
Of Fraunce, as God hath providit it so.”

Strype's Annals of Queen Elisabeth.—[Edition of 1709, folio, vol. 1. p. 8. Oxford edition, 8vo. 1824, vol. 1. Part I. p. 11, 12. In Strype's "Annals," after the words *denote that another*, the parenthetical question is asked—“*And who should that be but Queen Elizabeth?*” Our Historian designates the doggrel stanzas *lines*, but in the “Annals” they are termed “*rhymes in the Scottish dialect*.”—E.]

¹ Mr Camden acquaints us, that after the arrival of Mr Maitland in England, the English Secretary Cecil laboured to sift the intentions of the Scottish Congregation, and that they answered with their eyes lifted up to Heaven—“That they had no other design in the world than the promotion of God's glory, the sincere preaching of his Word, the extirpation of idolatry, the shunning the rage of their persecutors, and the preservation of their ancient liberty; that, for their parts, they were at a loss how to bring all this about, but hoped that God's providence would happily finish what it had begun, to the confusion of their enemies; and for an union between the two kingdoms, that was the very top of their wishes; and to cultivate and improve it they would contribute all the money, credit, and resolution they were masters of.” See Appendix, Number XIX.

² So say our Historians, but the letter in the Appendix, Number XX, mentions one Thomas Barnavie to have been companion to Mr Maitland, and speaks nothing of Mr Melville.

and an *acceptation* of the preliminary proposed by her. For very quickly thereafter, we hear of the Duke of Norfolk being arrived at Berwick, with full instructions to enter into a treaty with commissioners from Scotland. After this the Lords of the Congregation separated from Stirling, and went again into their former districts; at which time the Queen-Regent of Scotland, having intelligence of the assistance promised them by the Queen of England, she determined to make an end of the war, by subduing the remainder of the faction before that supply should come to their relief. And in order to this, a resolution was taken to begin with those of Fife, and that with the particular view of taking and fortifying the town and castle of St Andrews, as being a place proper for receiving auxiliaries from France on that coast. But whether it was not thought expedient to venture a transportation of the French soldiers by sea into that country, since they might meet with resistance from those on the shore, or that there was not a sufficient number of barks ready to transport them to the other side of the Frith of Edinburgh, the Frenchmen received orders to take the road to Stirling. And in their march thither they plundered the town of Linlithgow, and the house of Kinneil,¹ about a mile distant from it, belonging to the Duke of Chastelherault, and all the lands which pertained to that Nobleman in those parts. The like pillage they made at Stirling, and in the villages by the way as they past, which are very numerous on the north side of the Forth, until they came to Kinghorn. There some soldiers and others belonging to the Congregation, endeavouring to stop from landing at the Petticurre,² a little bay to the west of the town, some small vessels that were a-coming from Leith were repulsed by the French, with the loss of six or seven of their number, and some few made prisoners; and in all appearance the loss had been greater, if the Lord Ruthven

¹ [Kinneil House, a seat of the Dukes of Hamilton, on the south side of the Forth, county of Linlithgow, in the parish and near the sea-port of Borrowstouness, is upwards of three miles from Linlithgow.—E.]

² [Pettycur, long one of the principal ferries on the Frith of Forth between Edinburgh and Fife, is a small pier west of Kinghorn. It is said to have obtained its name from a *petit corps* or small body of French troops landing at it on the occasion mentioned in the text.—E.]

had not come very opportunely to the top of the hill, and favoured their retreat. This Lord was sent by the other Lords who had assembled at Cupar, after they had heard that the French soldiers had left Stirling, with orders to prohibit their friends to enter into any engagements, till they were all present in person. This resolution was according to the advice they had received from their English allies, for preserving their forces as entire as possible, and not to allow them to be diminished by any party skirmishes, until their friends from England should arrive to their support.¹ In this attack the Earl of Sutherland received a wound in the arm. He had come in company with the Lord Ruthven, as was given out, from the Earl of Huntly, in order to complement the Lords of the Congregation; but it was privately whispered that his real errand was a secret commission from that Earl to the Queen-Regent.² The French soldiers having made themselves masters of Kinghorn, the Earl of Arran and Lord James came up with all the force they could make, which was about 600 men, and entered into Dysart,³ a small town three miles north-east of Kinghorn, with a design to stop as much as they could the French⁴ from advancing further towards St Andrews, being hopeful that in a short time the supply from England would appear, to drive out the French altogether. And the truth is, they performed so well what they intended, that for three weeks' time they skirmished the French thereabout with such success, that they obliged them to be very heavy on their own friends for subsistence, and even to receive victuals and other necessaries by sea from the south side of the Frith. Then also it was that William Kirkaldy of Grange, having got his house burnt by the French, laid an ambush for them. The Master of Lindsay joined him in this enterprize, in which they had the good success to kill a

¹ See Appendix, Number XXI.

² So says expressly Bishop Lesly, but the readers will find how this Nobleman is characterized by the English Ministers, in some Letters of the Appendix relating to this period.

³ [The small seaport and royal burgh of Dysart is five English miles from Kinghorn, Bishop Keith means the Scottish measurement.—E.]

⁴ Mr Knox, and from him apparently Archbishop Spottiswood, affirms the French to have been 4000, but Bishop Lesly says but 2000 or thereabouts, which is more likely.

French captain,¹ with fifty of his men, and to take the rest prisoners. This accident so enraged Monsieur d'Oysel, that after he had found means to pillage Dysart and Wemyss, another small town a little further north-east, he marched with his army along the coast, designing first to take possession of St Andrews, and from thence to proceed and attack the town of Cupar, which was the place of rendezvous for the opposite party, and whither probably the Earl of Arran and Lord James had withdrawn themselves upon hearing of this movement. The French began to march on Monday the 15th of January 1559-60,² and about noon they espied some large ships of war³ bearing up the Frith, which they took to be French, with a further supply of men to them ; but how soon they saw these stranger ships seize the two ships commanded by Captain Cullen,⁴ which were employed in carrying provisions to them from Leith, they began to suspect, what a little after they were fully confirmed of by one Alexander Wood, who had been aboard their Admiral, that they were an English fleet sent to the support of the Congregationers, and that a land army was quickly to enter Scotland for the same purpose. This piece of news struck them with a great consternation, for they feared to be shut up from their countrymen in Leith, and so to lose both that garrison, and to expose themselves to the danger of being surrounded by their enemies, or cut in pieces if they should stir abroad for provisions ; wherefore they resolved suddenly to direct their march to Stirling, which was no easy matter to accomplish, by reason of a great storm of snow that then lay upon the ground ; but necessity had no law, they were obliged to be expeditious, and to make as long marches as possible. And accordingly they set out for Stirling early the next morning, some by the way of Kinghorn, others by Dunfermline, and though the thaw came

¹ He was a Savoyard by nation, and his name *Labast*, or as others *Le Batu*.

² Lesly says the English fleet cast anchor in the Frith on the 10th of January.

³ Buchanan says there were but eight of these ships, but Lesly says they were sixteen in number.

⁴ So says Mr Knox, but I should rather incline to think that they only spoke with Captain Cullen ; otherwise, where was the occasion of the Queen-Regent's message mentioned below ?

on in the time, and rendered travelling the more difficult, yet they arrived at Leith the third day after, having lost divers of their men by the way. How soon they reached Leith, whither also some of their number adventured to come by sea, they presently set about fortifying that place more strongly than it was before, as also Inchkeith, a small island lying straight out from Leith, about midway betwixt the two shores.

When the English ships had dropt anchor in the Road,¹ the Queen-Regent sent to inquire at Mr Winter, the Vice-Admiral, what was the occasion of his coming hither? He answered—"That he came to look out for some pirates that infested the Scottish and English seas, and that in order to surprize them the more easily, he had judged it proper to skulk some time in the Frith, and that he had no intention to harm any other person."² But this answer not at all satisfying the Queen-Regent, who was a person of too much penetration to give credit to such a pretext, she dispatched immediately thereafter a messenger to Seury, the French Ambassador in England, desiring him to require Queen Elizabeth to recall these ships, and, moreover, not to send any soldiers to the assistance of the rebellious sectaries in Scotland, lest thereby a new war might ensue betwixt France and England. To this memorial the Queen of England made answer—"That in truth she designed to do no such thing; but that seeing the French auxiliaries were daily increasing in Scotland, she judged it but prudent to place some troops in the Border garrisons, in case any inroad might be attempted that way; but that they should have orders not to set a foot in Scotland, unless they first received provocation."³ On this royal assurance given by the Queen of England, it is said our Queen-Regent did so far rely, that though she

¹ [The anchorage in the Frith of Forth called Leith Roads.—E.]

² This answer we have related by Bishop Lesly, and it seems to be the more genuine, that we find a resolution taken by the Council of England, in the beginning of Queen Elisabeth's reign, to send ships into the Frith of Edinburgh, and to pick as many quarrels as they might of themselves, and to hinder any more succours coming out of France to Leith; and this to be done by them as of themselves, without notice of any command so to do, and so to order matters as the cause might appear to come of the French. Strype's Annals of Queen Elizabeth.—[Folio edit. 1709, vol. i. p. 11; Oxford edit. 1824, vol. i. p. 16, 17. Those movements occurred in 1558, the year of Queen Elizabeth's accession.—E.]

³ Ibidem.

received repeated advices of contrary designs and preparations, yet she nevertheless gave no ear to them; but she quickly found her mistake, being soon after certainly informed that the Duke of Norfolk was arrived at Berwick, with full instructions, power, and commission, to enter into a treaty with the Lords of the Congregation, and that an army consisting of 10,000 men was ready to join them how soon the treaty was signed, which she had no reason to doubt of their doing at any rate, since without English assistance, their affairs were in a very uncertain and decaying condition.

How soon the Duke of Norfolk arrived at Berwick, about the end of January or the beginning of February, he sent to the Lords of the Congregation, and desired, with abundance of complaisance, even more than could be well expected, that some of their number, instructed with full powers, might come and meet him on such a day and at such a place as should please them to appoint. This advertisement came first to Glasgow by the Master of Maxwell, who procured from the Lords there to appoint the meeting to be at Carlisle. In consequence of which, letters were directed to the Lord James Stuart, then in Fife, desiring him speedily to repair to the west country, in order to proceed from thence to Carlisle. But it not having been thought safe for that Lord to travel so far through the country, where his enemies might waylay him, and his presence being looked upon as absolutely necessary in Fife, the Lords in the West agreed to send some of their number into Fife, to assist in making choice of such persons as should be judged most proper to go into England. The election was at Coupar, and the Commissioners chosen were the Lord James, the Lord Ruthven, the Masters of Maxwell and Lindsay, the Laird of Pitarrow, Mr Henry Balnaves, and William Maitland, younger of Lethington, who had not as yet returned into Scotland. The place of congress was settled to be at Berwick, whither the Scottish Commissioners went all by sea, except the Master of Maxwell; and they had full powers from the Duke and remanent Lords of the Congregation, to contract and agree with the Queen of England, and her Lieutenant the Duke of Norfolk, upon all such matters as might serve for the welfare and conjunction of the two kingdoms, and particularly for expelling the French soldiers

out of the kingdom of Scotland. After they arrived at Berwick, a formal contract was soon entered into, which, because of the remarkable stipulations therein contained, and the great lustre, as well as security, which it added to the affairs of the Congregationers, with whom a crowned head did so solemnly enter into treaty, I chuse here to lay before the reader, as taken from an authentick copy.¹

“CONVENTIONES SCOTORUM CONTRA REGINAM UNIONEM FRANCIE
ET SCOTIE DESIGNANTEM, ET PRO DEFENSIONE CONTRA
FRANCOS.

“At Barwyck, the twenty-sevinct day of Februlare, the Zeir of our Lord God one thousand five hundred and fifty-nyne zeris—It is agreed, contractit, and finalye appoynted, betwixt the noble mychty Prince, Thomas Duck of Northfolk, Erle Marschell of Inghland, Lieutennent for the Quenis most excellent Majestie of England in the North, in the name and behalf of hir Hienes, of the one partye, and the Ryght Honorable Lord James Steward, Patrick Lord Ruthven, Sir John Maxwell of Teiregles, Knycht, William Maitland of Lethyngtonne, zoungare, Johnne Wyschert of Pittarrow, and Maistre Henry Belnaves of Halhil, in the name and behalf of the noble and myghtie Prince James Duck of Chasteaularault, secund personn of the Realme of Scotland, and the remanent of the rest of the Lordes of his parte, joyned with him in this caus for maynteinance and defence of the auncient ryghteis and liberteis of their cuntree, on the other partye, in forme as hereafter followeth: That is to say, that the Quenis Majestye—having sufficientlie understood, alsweall by information sent from the Nobilite of Scotland, as by the manifest proceadingis of the Frenche, that thei intend to conquer the Realme of Scotland, suppress the liberteis thair of, and unyte the same unto the Crown of France perpetualie, contrarie to the laws of the said Realme, and to the pactes, othes, and promessis of France—and being thairto most humilie and earnestlie required by the said Nobilite, for and in the name of the hole Realme, shall accept the said Realme of Scotland, the said Duck of Chasteaulerault, being declared by Acte of Parlia-

¹ *Fœdera Angliæ*.—[Rymer's *Fœdera*, folio, 1713, vol. xv. p. 569, 570, 571.—E.]

ment to be heyre apperand to the Crowne thairof, and the Nobilite and subjectes of the same, into hir Majestie's protection and maynteinaunce, onlie for preservation of theym in their old freedoms and liberteis, and from conquest, during the tyme the mariage shall continew betwix the Queyn of Scottis and the Frenche King, and one zeir after, and for expelling owte of the same Realme of suche as presentlie goeth abowte to practise the said conquest.

“ Hir Majestie shall with all speyd send into Scotland a convenient ayd of men of warre, on horse and foot, to joyne with the power of the Scottishmen, with artailze, munition, and all uthers instrumentis of warre mete for the purpose, alsweall by sea as by land, not onlie to expel the present power of Frenche within that Realme oppressing the same, but also to stop, as far as convenientlie may be, all grytare forces of Frenche to enter thairin for the like purpose, and shall continue hir Majestie's ayde to the said Realme, Nobilite, and subjectes of the same, until the Frenche, being ennemies to the said Realme, be utterlie expelled thence, and shall never transact, compound, or agree with the Frenche, nor conclude any league with them, except the Scottes and the Frenche shall be agreed, that the Realme of Scotland shall be left in a dew freedome by the Frenche; nor shall leave the mayntenaunce of the said Nobilite and subjectes, wheirby thei might fall as a praye in their ennemis' handes, alslong as thei shall acknowledge thair Sovereane Lady and Quene, and shall endeavor theymselves to maynteyn the libertie of their cuntree, and the estait of the Crowne of Scotland; and yf in caise any fortes or strenthes within the said Realme be wonne out of the handes of the Frenche, at this present or at any time hereafter, by her Majestie's ayde, the same shall be immediatelie demolished by the Scottishmen, or delivered to the Duck and his partye at their optioun and choise. Neyther shall the power of England fortifye within the groundes of Scotland, being owt of the bowndes of England, but by the advyse of the said Duck, Nobilite, and Estates of Scotland. For the wiche cause, and in respect of her Majestie's most gentle clemency and liberall supporte, the said Duck, and all the Nobilitie, alsweal such as be now joined with him, as suche as shall hereafter joyne with him for defence of the libertie of that

Realme, shall, to the uttermost of their power, ayde and supporte her Majestie's armye against the Frenche and their parttakaris, with horsemen, footmē, and victuals, by land and by sea, and with all manner of uther ayde, to the best of their power, and so shall continew during the tyme that her Majestie's armye shall remane in Scotland.

“ *Item*, Thei shall be ennemeis to all suche Scottishmen and Frenche as shall in any wayis shewe themselves enne-meis to the Realme of England, for the ayding and succouring the said Dwke and Nobilite, to the deliverye of the Realme of Scotland from conquest.

“ *Item*, Thei shall never assent nor permit that the Realme of Scotland shall be conquered, or otherwys knytt to the Crowne of Fraunce then it is at present, onelie by the mariage of the Quene their Soverane to the Frenche King, and by the lawes and liberties of the Realme it aucht to be.

“ *Item*, In caise the Frenche shall at any time invade, or cause to be invaded, the Realme of England, they shall furnish the nombre of twa thousand horsemen and twa thousand footmen at the least, or suche parte of eyther of theym at choyse of the Queny's Majestie of England, and shall conducte the same to pass from the Borders of Scotland next England uponn her Majestie's charges, to any parte of the Realme of England, for the defence of the same. And in caise the invasion be uppon the north partes of England, on the north parte of the water of Tyne towarde Scotland, or aganst Barwyck on the north side of the watter of Tweyd, thei shall convent and gadder their hole forces uponn their owen charges, and shall join with the English power, and shall continew in goode and earnest prosecutionn of the quarrel of England during the space of thretty dayes, or so much longer as thei were accustomed to tary in the fieldes for the defence of Scotland, at the mandement of their Soveranis at any tyme bypast.

“ And als wa, the Erle of Ergyle, Lord Justice of Scotland, being presentlie joyned with the said Lord Duck, shall employ his force and good will, whair he shall be required by the Queny's Majestie, to reduce the north partes of Ireland to the perfytt obedience of England, conforme to a mutuall and reciproque contraict to be maid betuixt her Majestie's Lieutenant or Deputie of Ireland for the tyme

being and the said Erle, wheirein shal be conteyned what he shal do for his parte, and what the said Lieutennent or Deputie shall do for his supporte, in case he shall have to do with James Monneil,¹ or any other of the Isles of Scotland or Realme of Ireland.

“ For performance and sure keaping wheirof, thei shall for their part enter to the said Ducke of Northfolk the pledges presentlie named by him, befoir the entree of her Majestie’s ayde in Scottishe ground, to remane in England for the space of sax monthes, and to be then excheanned upon deliverie of new hostages of lyke or als goode condition as the former, or being of the lauchfull sonnes, brethren, or heyres, of any of the Erlis or Barronis of Parliament, that have or hereafter shal shew themselves, and so persist oppen ennemyes of the Frenche in this quarrell, and so furth from sax monethis to sax monethis, or from foure monethis to foure monethis, as shall best please the partye of Scotland ; and the tyme of the continewance of the hostages shall be during the mariage of the Quene of Scottes to the Frenche King, and one zeare after the dissolutionn of the said mariage, untill forder order may be had betuixt both the Realmes for peace and concord.

“ And furthermore, the said Ducke and Nobilitie, being Erlis and Barones in Parliament joyned with him, shall subscribe and seale these articles and compactes within the space of twenty or thretty days at the uppermost, nixt following the day of the deliverie of the saidis hostages, and shall also procure and perswade all uthers of the Nobilitie that shall joyn theymselves hereafter with the saide Ducke for the cause above specified ; lykewyis to subscryve and seale these articles present at any tyme after the space of twenty dayes after their conjunction, uponn requisition maid to theym on the partye of the Quenis Majestie of England.

“ And fynalie, the said Duck and Nobilitie joyned with him, certanelie perceaving that the Quenys Majestie of England is theirunto onelie moved uponn respect of princelie honour and neybowrheid, the defence of the just freedome of the Crowne of Scotland from conquest, and not of any other

¹ This seems to have been James Macdonald of Islay, at that time the most powerful of the Islanders, who married Lady Agnes Campbell, the aunt of the above mentioned Earl of Argyll. See Sir Ralph Sadler’s State Papers, vol. i. p. 431, 517.—E.]

sinister entent, doeth by these presentis testifie and declare that thei nor any of theym meane, by this compacte, to withdraw any deu obedience from their soverane Ladye the Queyn, nor in any lefull thing to withstand the Frenche King, being her husband and head, that during the mariage shall not tend to the subversioun and oppressioun of the just and auncient liberties of the said kingedome of Scotland; for the preservation whei of, both for their Soveranis honour, and for the continewance of the kingdome in auncient estait, thei acknowledge themselves bound to spend their goodes, landes, and lyves. And for the performance of this present contracte for the parte of England, the Quenys Majestie shall confyrme the same, and all clausses therein conteyned, by her lettres patentes, under the Greate Seale of England, to be delivered to the Nobilite of Scotland, uponn the entree of the pledges afoirsaid within the ground of England.

“ In witnes whei of the Commissionaris for the Ducke of Chasteaularault and Nobilite of Scotland befoir named haif subscriyved these presentis, and thereunto affixed their seales, the day, zeare, and place afoirsaidis.

“ JAMES STEWART.¹

W. MAITLAND.⁴

PATRIK L. RUTHWEN.²

JHONE WYSHART.⁵

JOHNE MAXWELL.³

HENRICUS BALNAVES.⁶

“ Sub Sigillis prædictorum Commissariorum de cera rubea pendente à duplicibus caudis pergamenæ.”⁷

¹ [See the note, p. 235 of the present volume.—E.]

² [See note, p. 232.—E.]

³ [John, who succeeded his father as sixth Lord Maxwell, killed in a feud with the Johnstones at Dryfe Sands in December 1593.—E.]

⁴ [The celebrated William Maitland, eldest son of Sir Richard Maitland of Lethington, the collector and preserver of the early Scottish poetry, and himself a poet of very considerable abilities. Maitland was subsequently one of the most prominent men of his time.—E.]

⁵ [Wishart of Pittarrow was the brother of George Wishart “the Martyr.”—E.]

⁶ [See the Note, p. 69.—E.]

⁷ At the beginning of the copy of these Articles in the Cotton Library, on the margin, there is a remark by Sir Robert Cotton, which is this—“It seems by the Commission given by the Queen for confirmation of these Articles, dated in the month of March following, that this treaty was concluded before the Queen would openly profess herself a party, which is to be noted.” The Commission is set down after this paper, in Caligula, B. 10. The date is 29th March 1559.

CHAPTER XI.

CONTAINING AN ACCOUNT OF PUBLICK AFFAIRS, FROM THE FINISHING OF THE TREATY AT BERWICK BETWIXT THE QUEEN OF ENGLAND AND THE LORDS OF THE SCOTTISH CONGREGATION, IN THE END OF FEBRUARY 1559-60, UNTIL THE DEATH OF THE QUEEN-REGENT ON THE 10TH OF JUNE ANNO 1560.

I COULD not till now, without interrupting too much the chain of our History, find a proper place to notice the returns which the Queen-Regent received from France to the messages she had formerly sent thither for more troops. And even now that I am to do it, the reader must, by reason of the incongruity of our historians in this matter, be satisfied with what can be picked up from each of them. Mr Knox, and from him, I suppose, Archbishop Spottiswood affirm, that immediately after the receipt of the Queen-Regent's letters, her brother the Marquis d'Elbeuf and Count Martigue,¹ a young Nobleman of great courage, were dispatched thence with an army of horse and foot, but that a violent storm did so break their ships on the coast of Holland, that eighteen ensigns² were cast away, and not a ship saved but one or two, wherein the two Generals had embarked, and these were driven back to Dieppe, from whence they had set sail. The Archbishop adds—that soon after the Marquis's putting again to sea, he arrived at Leith about the beginning of the spring, with 1000 foot and some few horsemen. Bishop Lesly makes no mention of this unfortunate voyage, but says, that whilst the Queen-Regent was anxiously looking for her brother from France, Count Martigue arrived at Leith with 1000 veteran soldiers in the month of November. Mr Buchanan also makes no mention of the first expedition, and only takes notice that the spring being now at hand, Count Martigue, a young gentleman of undaunted courage, landed from France with two ships, bringing with him about 1000 foot and a few horse; that he and his soldiers presently went ashore, but that the ships

¹ [Properly Count Martiques.—E.] ² I reckon this meant 1800 men.

were taken in the night by the Scots. And he adds, that about the same time the Marquis d'Elbeuf, who was bringing an aid of men and money in eight ships, returned back into the haven from whence he had set sail, excusing himself partly because of the seas being full of English ships, and partly because of the badness of the weather; that besides, a second fleet of English ships was sent to the Scots coast to second the former, who scoured continually up and down the Frith, and kept the island of Inchkeith besieged, and stopping all manner of provisions from passing by sea into Leith.¹ And finally, Mr Knox observes likewise the arrival of Count Martigue, about the 10th of January, as may be collected from him, but seems to take no notice of any soldiers that came with him; however, what he says on this occasion may be properly inserted here, because it gives a good account of the taking of the French ships that brought Count Martigue. He informs us, then, how that after the Laird of Grange had defeated the French company mentioned above, care was taken to furnish them with provisions by sea, without obliging them to straggle through the country to provide themselves; that for this purpose one Captain Cullen² was appointed with two ships to carry victuals continually from the south side of the Frith to Kinghorn, Kirkcaldy, &c. lying on the north; that to watch Captain Cullen, two ships were fitted out at Dundee, and the command of them given to one Andrew Sands:—"That about the same time Count Martigue arrived from France, who without delay landed himself, the coffers, and principal gentlemen that came along with him, at Leith, leaving the rest in the ships till a better opportunity. But the foresaid Sands and his company striking sail, and making as if they would cast anchor hard by them, boarded them both, and carried them to Dundee. In them were gotten some horses and much harness, with some other trifles, but of money we heard nought. Hereat the French, being much offended, avowed the destruction of St Andrews and Dundee." And in consequence of this it was

¹ Mr Knox likewise says there came more English ships into our Frith than what came at first; and Mr Camden, in the Life of Queen Elizabeth, says that they fell furiously upon the French men of war, and upon the French soldiers in the Isle of Inchkeith.

² [This Leith "skipper" was afterwards hanged by the instrumentality of the Regent Morton, who had an intrigue with his wife.—E.]

that the French soldiers made that movement on the 15th of January, when first they discovered the English ships bearing up the Frith. Thus it appears from our historians that only about 1000 men came from France at this time, and that most probably they arrived the beginning of January 1559-60, under the command of Sebastian Martigues of the House of Luxenburgh, as Mr Camden informs us; who likewise says, that besides 1000 well disciplined footmen there were one or two cornets of horse. This Count Martigues, immediately on his arrival, was declared commander-in-chief of all the French soldiers in Scotland, says Bishop Lesly.

After the French soldiers had left Fife, the first thing the Lords of the Congregation did, was to return thanks to God, in the church of St Andrews, for the deliverance he had given them, and then they beset and took some houses belonging to the gentlemen who had appeared against them; but soon after they restored these houses, and set the gentlemen at liberty, upon promise not to assist the French for the future. Much about that time the gentlemen of the shire of Mearns that were of party with the Congregation, being flushed with the expectation of a speedy change in their affairs, went to Aberdeen, where, being assisted by some of the citizens, they quite demolished the Monasteries of the Dominican and Carmelite Friars; and proceeding next to treat the other religious houses, and the stately cathedral church of Old Aberdeen¹ in the same manner,

¹ [On the 29th of December 1559, a large body of the insurgents proceeded to the episcopal city of Old Aberdeen, and at once assailed the Cathedral of St Machar, the great spire of which they attempted to pull down, when they were repulsed by Leslie of Balquhain and the retainers of the Earl of Huntly. On the 4th of January, they attacked the Monasteries of the Black Friars and White Friars, which they plundered and dilapidated. They intended to visit the Monastery of the Grey Friars in a similar manner, but the Magistrates, alive to the folly of permitting this tumultuous destruction of valuable property, determined to interfere. In a court held by them a few days afterwards they agreed to seize the buildings of the ecclesiastics, and sell the materials, with whatever gold and silver plate they found, for the public good. They also agreed to furnish forty men for the service of the "Congregation," and to use their utmost efforts to suppress what the insurgents called *idolatry*. As an invasion of the zealots was expected, the great eucharist and some other sacred utensils of silver were removed out of the cathedral, and deposited in a place of safety. The rest of the silver plate, which amounted in all to 1920 ounces, with the gold, precious stones, jewels, and vestments,

they were hardly withholden from acting their design, by some men belonging to the Earl of Huntly, and some of the Leslies headed by —— Lesly, Laird of Balquhain, at the desire of this Earl, who was nephew to the then Bishop of that See; and it is noted by Bishop Lesly, who was then official or commissary of that church, that the ancient form of worship was kept up there a long time after it was suppressed almost in all other parts of the kingdom. The Earl of Huntly, whom we have already mentioned to be Chancellor of the kingdom, had, it seems, an unfixed resolution what side to party with, as may appear in his *former* and will still more appear by his *present* and *after* conduct; for now when he heard that the English forces were on their march to Scotland, he sent to the Lords of the Congregation, and made offer to join them; to which effect a meeting having been appointed at Perth betwixt him and those who commanded in Fife, they there conferred together for three days, and that Earl came, or seemed to come, into the other's measures, promising to bring over to them all his followers in the north country, and to return himself in a short time after to their army.¹ Orders were then dispersed by the Congregation through the kingdom, charging all the capable subjects to meet in arms at Linlithgow the last day of March.

Soon after this, the hostages² stipulated in the treaty at

was portioned among the Prebendaries, who were to restore the whole when the violence subsided; but it was never afterwards forthcoming, and the result of affairs probably induced the Prebendaries to appropriate it to their own use. The Cathedral was for the most part saved, but its valuable library was, with few exceptions, destroyed, and the Bishop's Palace and the houses of the Prebendaries were dilapidated. This finished the work of destruction in Aberdeen on that occasion.—E.]

¹ In the Instructions given to the persons who went on the part of the Congregation to treat with the Duke of Norfolk at Berwick, as recorded by Mr Knox, the Earl of Huntly is expressly called one of the *neutral* Lords; and again—That his Lordship held a correspondence with the Earl of Arran, that he had desired a copy of the suspension against the Queen-Regent to be transmitted to him, and other letters for arresting the rents of the clergy, with proclamations for ordering all his men to march forward to the assistance of the Congregation.

² Mr Knox says the hostages were delivered to Mr Winter, the English Vice-Admiral, who set them ashore at Newcastle. Archbishop Spottiswood gives their names thus:—Colin Campbell, cousin to the Earl of Argyll; Robert Douglas, brother to the Laird of Lochleven (he was

Berwick were delivered at Newcastle ; and the English army, consisting of 2000 horse (their historians say only 1200) and 6000 foot, began their march, and entered Scotland the beginning of April 1560. It was commanded in chief by the Lord Grey, and under him by the Lord Scroop, Sir James Crofts, Sir Henry Percy, Sir Francis Lake, &c. And the army of the Congregation joined them a day or two after at Preston ;¹ the chief leaders of which were the Duke of Chastelherault, the Earls of Argyll, Glencairn, and Monteith, the Lord James, Lords Ruthven, Boyd, and Ochiltree, who were assisted by the gentlemen of Lothian, Fife, Angus, Mearns, and some counties in the West. At the same time the Queen-Regent was received, at her desire, into the Castle of Edinburgh, by the Lord Erskine, governor thereof, a Nobleman noted by our historians for his singular honesty and wisdom. It may be remembred that he received the command of this Castle from the Estates of the kingdom in Parliament, at the time the Earl of Arran surrendered the regency to the Queen Dowager, with this express condition, as is said—That he should re-deliver the same to none but by order from the said Estates. We may likewise remember how he inclined to favour the interest of the Queen-Regent, at the attack intended to be made by her Majesty on the city of Edinburgh, in the month of July last, and that his Lordship was earnestly solicited by both parties to declare for them. Notwithstanding which impor-

nephew to the Prior of St Andrews, whose mother was married into that Family) ; and ——— Ruthven, son to the Lord Ruthven. But the English historians mention them thus :—Lord Claude Hamilton, fourth son to the Duke of Chastelherault, Robert Douglas, Archibald Campbell, Laird of Longhennel, George Graham, second son to the Earl of Monteith, and James Cunningham, son to the Earl of Glencairn.

¹ Mr Stow, in his Annals, gives the names of the principal Scottish persons that came to meet the English generals while their army lay at Preston, viz. the Duke, with his son ; the Earls of Argyll, Glencairn, Sutherland, Monteith, Rothes ; the Lord James ; Lords Ruthven, Ochiltree, and Boyd ; the Masters of Maxwell and Lindsay ; the Bishop of Galloway (this is Alexander Gordon) ; the Abbot of St Colm's Inch, (his name was James Stewart, son to Sir James Stewart of Beith. He was afterwards created Lord Doune, and was paternal ancestor to the present Earls of Moray. It is very probable, that this has been the person whom we find subscribing the remonstrance mentioned, p. 107 [of the folio copy of this History, and p. 238 of the present volume] ; the Abbot of Culross ; the Laids of Ormiston, Pitarrow, Cunninghamhead, Grange, &c.

tunities, he cautiously owned himself openly for neither, but thought it his duty not to deny her Majesty entrance at this time for herself and her attendants, as being a place proper to secure her person from the rude and unmannerly treatment he had reason to apprehend she might now meet with ; but at the same time, he took care that she should still be in his power, and the Castle still under his command. The principal persons who entered the castle with the Queen were the Archbishop of St Andrews, the Bishop of Dunkeld, the Earl Marischall, James Macgill, Clerk-Register, and some others.

The leading men of the Congregation having had several consultations with the General and other commanders of the English army, met together at Dalkeith, April the 4th ; and there, judging by the Queen-Regent betaking herself to a place of strength and retreat, that she no less apprehended the success of the war, now her enemies were so strengthened by the accession of their English auxiliaries, than she feared that a sufficient aid from France could not arrive time enough for her defence and support. They determined once more to address her Majesty by letter, not doubting but a due sense of their force, and the hardness of her own present circumstances, might bring her not only to hearken to, but even to comply with their proposals. Accordingly a letter is formed, voted, and agreed to the same day ; which letter I would here insert, as recorded by Mr Buchanan, and from him by Archbishop Spottiswood, were I sure of its being a transcript from the original. And yet since the reader could at best even then have but a translation of it from the Latin, I reckon the contents of it will be sufficient, which are—" That they having been formerly instant with her Majesty to remove the French forces out of the kingdom, they had been necessitated to address the Queen of England for aid to expel them by force of arms, unless she, the Queen-Regent, will agree to dismiss them without the effusion of blood ; in which case the Queen of England will afford them a safe passage, and even lend her fleet to transport them. But if the Queen-Regent shall refuse to grant this their request, they then call God and man to witness that they were driven to take up arms merely through necessity, and for the preservation of the common-

weal, themselves, their estates and posterity from utter ruin. But that in no danger, how great soever, shall they depart from their dutiful obedience towards their Sovereign the Queen, or resist the King her husband in any thing that shall not¹ tend to the subversion of their ancient liberties, or the destruction of themselves and their posterity." This letter, dated at Dalkeith, a fine village four miles² south from Edinburgh, the 4th of April³ as aforesaid, was subscribed by all the Noblemen that were present ; and Spottiswood tells us that the English General did in like manner direct Sir George Howard and Sir James Crofts to make offer to the Queen-Regent—That if the French would peaceably depart forth of Scotland, they likewise should return into their own country without molesting any person ; and that the Queen's answer was—That she would think on what was proposed, and give answer thereto against next day. But the army not liking to admit these delays, advanced the next day towards Leith. This matter is very differently related by Lesly, viz.—That the Lord Grey desired from the Queen-Regent a truce for twenty-four hours that he might have an opportunity to declare to her the cause of his coming into Scotland, and at the same time to propose to her Majesty terms of accommodation ; that the Queen sent down a herald to Leith, who might signify her mind concerning these proposals, but that before his arrival there the armies had engaged ; that the engagement being somewhat slackened, the two gentlemen above mentioned were sent to the Queen-Regent, and told her that the English army was ready to return home, if the French were sent home likewise ; that to this the Queen answered—That she could do nothing without first advising with the French generals, and that some time must be allowed her for that purpose ; that she gave command to one Drummond, a herald, to carry a letter of Monsieur la Brosse, then in Leith, and to take some Englishman along with him as a companion ; that this herald had his letters taken from him by the English, and was ordered to return to

¹ This clause seems to be shuffled in, to afford them a good pretext for rebellion. But some people think nothing to be rebellion that is attended with success.

² [The town of Dalkeith is six English miles from Edinburgh.—E.]

³ Archbishop Spottiswood, by what authority I know not, says the 5th.

the Queen-Regent, and signify to her that instead of peace they were now meditating how to revenge the loss they had sustained the day before from the French, and that henceforth nothing but war was thought upon by both parties.¹

But on which ever side of these narrations the truth of the preceding transaction hangs, it is certain the English army did advance towards Leith on Saturday, the 6th of April, being the eve of Palm Sunday, keeping along the sea coast till they came to the village of Restalrig. The French, in the mean time, under Count Martigue, marching out of Leith to the number of about 1300 men,² took possession of a small rising ground called the Hawkhill, because they judged the English had a mind to encamp there. Both parties seemed indeed to contend for this little eminence, for a sharp fight ensued, which lasted from ten in the morning till four in the afternoon, for recovering and keeping the place, with no small loss on either side ; till at last the Scottish horse, charging the French with great fury, drove them back into Leith, from which, it is said, they had been quite cut off, had the English horse come up sooner to support the Scots,

¹ Mr Stow relates the matter thus :—"On the 6th of April, as the English army marched from Salt-Preston, and was advanced near to Restalrig, there came Trombull, the Queen-Regent's trumpet to the Lieutenant, and brought with him a safe-conduct, given under her hand and seal, for the safe repair of Sir James Crofts, Sir George Howard, and six other to accompany them. Whereupon they preparing themselves, departed towards Edinburgh, where the said Queen as then lay within the Castle. There went with them Mr Somerset, Mr Pelham, and four other gentlemen. Whilst they were in conference with the Queen, the Frenchmen, to the number of 900 or 1000 shot, backed with 500 corslets and pikes, and about fifty horsemen, were come forth of Leith under conduction of Monsieur d'Oysel and Count Martigues. The Lord Grey understanding thereof, came up to the hill, appointed an officer-at-arms called *Rouge Crosse* to go unto them, with commandment from him—That they should retire their forces forth of the field into the town of Leith, for if it were not for the promise which he had made to the Queen Dowager, he would cause them to depart. The herald doing his message, received answer, that they were upon their master and mistress' ground, and therefore meant not to remove from it. *Rouge Crosse* returning with this answer, was sent again to command them eftsoones to go their way back to Leith ; for if they did not, they should be sent away with a mischief." Then follows an account of the engagement, the French giving the first fire. And after that the historian adds—"The same day Sir James Crofts and Sir George Howard returned from the Queen-Regent, after they had spent a long time in talking with her."

² Lesly says only 900.

as had been agreed. Immediately after the retreat of the French, who in this engagement lost about 300 men, the English advanced, and pitched their tents on the ground betwixt Leith and Restalrig, in which village the horse were quartered, and the General lodged at the Dean's house. The Duke of Chastelherault, with his counsellors about him, lay in the Abbey of Holyrood-house, or in Edinburgh, as he thought proper; and his son the Earl of Arran, and the other Lords of the Congregation, lay in their camp about Leith, on the south and south-east side thereof, where trenches were cast up, and a small mount erected, on which they planted eight piece of cannon to play upon St Anthony's steeple,¹ from whence especially, and from other parts of the town, great damage was done in the camp. However, the English succeeded so well with their battery that in a few days they dismounted the ordnance placed by the French in the steeple. This, with their other good success during

¹ The church of South Leith is dedicated to that Saint, and that of North Leith to St Nicolas.—[Bishop Keith is here in error. The present parish church of South Leith is dedicated to the Virgin Mary. The Bishop seems to have mistaken it for the Preceptory of St Anthony, founded by Logan of Restalrig in 1435, which stood near the Kirkgate Street, at the corner of the alley known as St Anthony's Wynd. This religious house, of which the only vestiges are some old vaults, was partly destroyed at the siege, and soon afterwards completely demolished by the insurgent Reformers. As to the dedication of the parish church of North Leith to St Nicolas, this is also erroneous. No parish church existed in North Leith till after the year 1580. The former parish church was that of Holyrood. On the 3d of July 1606, the Scottish Parliament passed an Act erecting the "kirk of Leith benorth the brig," over the water of Leith in the harbour, now the upper draw-bridge, into "ane paroche kirke." (*Acta Parl. Scot. folio, vol. iv. p. 301*). The reason assigned in the Act is, that the inhabitants of the north and south sides of the water and bridge of Leith, within the regality and barony of Broughton, were too far distant from their parish church of Holyroodhouse, especially in the case of aged and sick persons, and "the said inhabitants of the north and south sides of the water and brig of Leith, upon their awn expences and charges, have biggit to themselves ane kirk upon the north side of the brig of Leith, and have had ministers serving the cure thereat, and ministering to them the Sacraments, these twenty years bygane with the mair; likeas they have presently ane minister serving the cure thereof, they being ane thousand communicants, who come and haunt to the same kirk, dwelling within the said regality of Broughton." The edifice mentioned in the Act has disappeared, but its humble steeple is still seen (in 1844) on the north side of the upper draw-bridge. It also appears that the parish church of South Leith was anciently Restalrig.—E.]

the course of the Holy Week,¹ so elated them, that they grew as usual on such occasions more negligent and remiss, and supposing the French would now make no more sallies, they began to follow their ordinary sports and diversions; some of the captains for this end going to Edinburgh, and the common soldiers falling to play at cards and dice, as if there had been no enemy to fear. The French getting intelligence hereof, issued out of Leith on Easter Monday, the 15th of April, about noon; and with great violence entering the trenches, slew, say some, about 600 men, and nailed three cannon, before any considerable body could be formed to resist them. This misfortune taught the English to be more upon their guard in time coming, and perceiving likewise that their trenches lay too open to the enemy, and that their cannon was at too great a distance to do much execution on the town wall, they removed their camp to the west side of the Water of Leith, and cast up several mounts² there, on which to plant their ordnance nearer to the town than formerly; such mounts they also built at certain quarters and distances, that they might prove safeguards and places of retreat to the soldiers, in case of any sudden irruption from the town. During this siege the Queen-Regent finding herself in a sickly condition, some conferences were had for an accommodation, but to no effect. Bishop Lesly seems to say that in these the Earl of Huntly was a great

¹ The English historians say that on the 14th of April, being Easter day, there was great firing of cannon on both sides and skirmishing; but our Bishop Lesly affirms that there was not so much as one small shot discharged by the French all that day, but that the English did continually play with their cannon against the church, even though the ordnance in the steeple was dismounted, and that during the very time when they were assured the people were gathered together in the church for Divine Service, for a bullet was shot through the window where the altar stood, just before the administrating of the Holy Communion.

² [Finding that their cannon did no execution from the elevated grounds of Hawkhill and Hermitage, the English descended to the Links, where they threw up mounds of earth on which they planted their artillery. Two of these mounds still remain on Leith Links, covered with verdant turf, and are memorials of Elizabeth's soldiers at this siege of Leith. One is close to the well on the east side of the Links, bordering on the road from the Easter Road to Seafield Baths, called *Lady Fife's Well*, which was probably the first thrown up by the English; the second is of considerable height, about two hundred paces from the High School, and is locally known as the *Giant's Brae*.—E.]

agent for the Queen, and that he left no stone unturned to bring things to a happy period, but that when he saw the state of affairs desperate, he returned North, and meddled no further : but how to reconcile this with other accounts of this Nobleman I cannot see. And Mr Buchanan says, that on the 22d of April, John Monluc,¹ Bishop of Valence in France, was first carried into the English camp, next into the castle of Edinburgh to the Queen-Regent, where he staid two days, and then that he repaired to the Lords of the Congregation ; but that after all he could prevail nothing, because the Scottish Lords persisted peremptorily in their demand that the foreign soldiers should return home, which it appears the Queen-Regent was advised not to consent to. Therefore, when no agreement was like to take place, the Congregation thought fit to enter into a new Bond of Association, subscribed by all the Nobility, Barons, and other gentlemen professing the new form of religion ; among whom Mr Knox expressly says the Earl of Huntly was a prime man. The Bond was as followeth—

“ ANE CONTRACT OF THE LORDS AND BARONS TO DEFEND THE
LIBERTY OF THE EVANGELL OF CHRIST.

“ At Edinburgh, the twintie-seventh of Apryll, the year of God ane thousand fyve hundred threescore years : We, whaes names are underwritten, haif promitted and obliedged ourselves faithfully, in the presence of our God, and be thir presents promitts, That we altogether in general, and every one of us in special be himself, with our bodies, goods, friends, and all that we may do, sall set forwart the Reformation of religion, according to Goddes Worde, and procure, be all means possible, that the true preaching of Goddes Word may haif free passage within this Realme, with dew administration of the Sacraments, and all thinges depending upon the said Worde. And sicklyke, deiply weighing with ourselves the misbehaviour of the Franche ministers heir, the intolerable oppressions committed be the Franchmen of weir upon the puir subjects of this Realme, be meynenance of

¹ The arrival of this Prelate, and his conferring with the Queen, is confirmed by the English historians. He came into their camp at Restalrig, and was conveyed to Edinburgh by the English herald *Rouge Crosse*.

the Queen-Dowriare, under collour and pretence of authority, the tyranny of their captains and leaders, and manifest danger of conqueist in whilk this countrie presently stands, be reason of diverse fortifications on the sea-coast, and other novelties of late attemptat be them ; promitts that we sall, als weell every one with others, as altogether, with the Queen of England's armie presently come in for our deliverance, effectually concurr and joyn together, taking onefold and plain part of the expulsion of the said strayngars, oppressors of our liberty, furth of this Realme, and recovery of our ancient freedoms and libertie, to the end in tyme coming we may, under the obedience of our King and Queen, our Soverains, be only reulyt be the laws and customes of the countrie, and by the men of the land ; and that never any of us all haiff pryvy intelligence, be writing or message, or communication with any of our said enemys or adversars in this cause, bot be the advyce of the rest, at leist of fyve of our numbers. Attour, that we sall tender this present cause, as if it were the cause of every one of us in particular, and that the cause of every one of us now joyned together being leiful and honest, sall be all our causes in general ; and he that is enemy to the cause forsaid sall be enemy to us all, in so far, that whatsomever person will plainly resist thir our godly interprysis, and will not concurr as ane guid member of this commonweill, we sall fortify the authority of the Counsell to reduce them to their deuty, lykeas we sall fortify the said authority of the Counsale in all things tending to the furtherance of the said cause. And giff any particular debate, quarrell, or contraversee sall aryse, for whatsomever cause bygain, present or to come, betwixt any of us, as God forbid, in that case we sall submit ourselves and our said questions to the decision of the Counsale, or to arbitrators to be named be them ; provyding allwayes that this be not prejudicial to the ordinar jurisdiction of judges, but that men may persue their actions by ordour of law, civilly or criminally, before the judges ordinars, gif they please."¹

¹ This Bond is in Mr Knox's History, but that author has, it seems, taken the freedom all along to turn the Scottish papers into the English dialect, with which he has been pretty well acquainted ; wherefore I have taken this from the copy in Bishop Burnet's History of the English Reformation, vol. iii. p. 287, which, he says, he copied from the original at Hamilton.

When the Queen-Regent saw this Bond, even Mr Knox confesses she said—"The malediction of God I give unto them that counsailed me to persecute the preachers, and to refuse the petitions of the best part of the true subjects of this Realme. It was said to me that the English army could not lie in Scotland ten daies, but now they have lien near a month, and are more like to remain than they were at the first day that they came." It appears, then, to have been bad advice, and not the Queen-Regent's own inclination, that made her suffer things to come to such extremities, and yet this same author throws the most virulent reflections upon her Majesty, as if she had been the wickedest of all miscreants; but by what he says of her in all the parts of his History, he shews what kind of a person he himself has been, rather than what she was. A foul tongue is the sign either of a naughty heart, or of a great want of mannerly education.

On the last day of April, about two hours before sun-set, a casual fire broke out in Leith, which, being assisted by the violence of the winds, burnt fiercely till next morning, destroying many houses, and consuming a great part of the publick provisions. During this conflagration the English were not idle. They turned their cannon upon those parts of the town where they saw the flames rising, and played so warmly upon the people that they durst not come near enough to quench the fire; and they likewise laid hold on this opportunity to adventure measuring the height of the wall in some places, in order to provide ladders for the scalade which they intended. However, the French had been so cautious, that from the beginning of the fire, dreading some secret attempt might be made in time of such a general consternation, they kept a pretty narrow eye upon the walls, otherwise it is probable that day had put an end to the war.

The English, knowing that a good part of the publick granary within Leith was burnt down, and that of course provisions would begin to be scarce, they, on the 4th and 5th days of May, set fire to the water mills that served the town, on purpose to straiten it yet the more, and on the 7th of the same month, their ladders being ready, they resolved to make a general assault; but to their great mortification, when these ladders were applied to the wall a

little before day-break, they proved too short by an ell and half, so that project failed them, and came to nought. The English general was desirous to make this assault, because the soldiers were grown weary with lying so long in the camp; and besides, they saw no hopes of gaining the town any other way, the breaches which their cannon made in the walls, which were only built of earth, by day being quickly repaired before next morning, so that they found themselves under a necessity of endeavouring to become masters of the place after this speedy manner. Sir James Crofts was suspected of some treachery in his behaviour that day, for it was observed that he did not advance in time to the attack of the north-west quarter of the town upon the sea side, which was allotted to him; so that though the rest of his countrymen, who made the attack, did behave themselves very bravely, and seemed once to have gained the town, yet not having been timeously supported, they were forced to a retreat, with the loss of 160 men, besides many wounded. And it is certain that Sir James, for this misbehaviour of his, and for an alledged secret correspondence with the Queen-Regent of Scotland, was impeached by the Duke of Norfolk and the Lord Grey to the Queen of England; and after examination of his cause before her Council, he was removed from his government of Berwick, and the Lord Grey put in his place. This late success gave new courage to the French, and the three following days they employed themselves very cheerfully, though with much hazard, in repairing the town walls, for the English shot incessantly upon them, wherever they perceived them in greatest numbers.

After this defeat, the Queen-Regent was hopeful the siege would have been raised, and that the English would depart home. But she was mistaken; this misfortune did not so dismay either the English or the Scots, but that they exhorted each other to constancy. And accordingly we find, that on the 10th of May, the treaty of Berwick was confirmed and ratified in these words, as related by Mr Knox—"Which contract we find honest and reasonable, and that our said Commissioners therein had considerately respected the commonwealth of this Realme, of us, and our posterity; and therefore do ratifie, allow, confirm, and approve the same,

with all clauses and articles therein contained, by these presents. In witness hereof, to the same subscribed with our hands, our seals of arms, in such cases accustomed, are appended. At the camp before Leith, the 10th day of May, the year of God 1560 yeares. The DUKE OF CHASTELHERAULT. EARL OF ARRAN. EARL OF GLENCARNE. EARL OF ROTHESSE. EARL OF ARGYLE. EARL OF HUNTLYE. EARL OF MORTON. EARL OF MENTEITH. LORD OGILBYE. LORD JAMES STEWARD. ALEX. GORDON. LORD BOYD. LORD OCHILTREE. GAWIN HAMILTON, Abbot of Kilwinning. ABBOT OF CULROSS. LORD BORTHWICK. LORD OF ST JOHN [James Sandilands, second son to Sir James Sandilands of Calder; he was Lord of St John of Jerusalem, a military order of religious knights, of whom formerly; and was thereafter created Lord Torphichen]. LORD JO. ABERBROTHOCK [John Hamilton, second son to the Duke of Chastelherault; upon the death of his elder brother he became Earl of Arran, and was afterwards created Marquis of Hamilton, of whose body is lineally descended the present Duke of Hamilton]. LORD SOMERVAIL. LORD ROB. STEWARD [he was Abbot of Holyroodhouse, and natural son to King James V., and was afterwards Earl of Orkney] ABBOT OF KINLOSS. JA. STEWARD of St Colm's Inch."

Moreover, the English promised to continue here till they should receive fresh orders from their Court; soon after which assurance letters arrived from the Duke of Norfolk, in return, it is to be presumed, to those that had been wrote him upon the late miscarriage, by which he advised the Lord Grey to continue the siege, promising him a speedy reinforcement of soldiers, and declaring withal that, if need were, he would himself come, and command the army in person. And to convince them the more of his sincerity, he ordered his tent¹ to be set up in the camp, and sent thither his own officers and provisions; and in a few days after he sent them 2000 men, to supply the place of those they had lost since they entered Scotland. This reinforcement gave such strength to the besiegers, that though the French made frequent sallies afterwards, yet scarce any of

¹ This perhaps may have given occasion to Bishop Lesly to write, that the Duke did actually come privately into the camp, and that he likewise did visit Edinburgh.

them proved successful from that day forward. It is true, the besieged were oppressed with famine, while the besiegers wallowed in plenty; neither had the first any prospect of relief, while the other had reason to hope a supply of everything. Indeed the French had no appearance to bring their affairs to any tolerable issue, neither was there any thing remarkable fell out in the siege any time after this, though several sallies were made, and frequent skirmishes happened not without blood to both sides.

The Queen-Regent having, as is before hinted, been seized with a lingering distemper, the disease increased so fast upon her, heightened, no doubt, by the grief of her mind, that she died in the castle of Edinburgh on the 10th day of June 1560. Sometime before her death she is said to have caused write down in a book the names and characters of the principal and most distinguished persons in the kingdom, either for birth or otherwise, which she recommended to be sent her daughter into France, that thereby she, or any intrusted by her in the administration of the Government here, might be the more able to form a judgment who of her subjects were fit to be trusted, and who not. A little after this her Majesty desired to speak with Monsieur d'Oysel,¹ but he being denied by the besiegers a safe-conduct from Leith, her next request was that she might talk with some of the confederate Nobility. This was granted her, yet so as that they might not be all present with her at a time; for, it seems, their guilt had made them afraid some treacherous blow might be prepared for them, at least they were suspicious of being detained prisoners within the Castle. So little faith had they in the assurance of a dying Queen! But how Christian, just, or charitable, such a suspicion might be every one is at liberty to judge. The persons whom I find named then to have waited on her Majesty were the Duke of Chastelherault, the Earls of Argyll, Marischal, and Glencairn, and the Lord James.² To them she expressed her

¹ See Appendix, No. XXII.

² These Lords seem to be mentioned because they only were of the opposite party, and so could only be called to the Queen; others needed not to be mentioned, as being constantly about her. It is true, the Earl Marischal was with her in the castle; but he was looked upon as a favourer of the Reformation, as no doubt he was, though I have never observed him subscribing any of the publick papers emitted by that party.

grief for the troubles that had arisen in the kingdom, commending earnestly unto them the study of peace, and advising them to send both the English and the French out of the country. She recommended to them the faithful observation of the ancient league with France, which had been lately confirmed in a more special manner by the marriage of the Queen her daughter with the King thereof; as also, a dutiful obedience and regard to their native and lawful Sovereign. She expressed, in very pathetick terms, her love and affection to the country, and to the people of Scotland, and exhorted the Nobles to take care of their own and the nation's liberties. And Mr Knox adds—That she professed her sorrow for having compelled them to seek their support from any other than their own Queen; that she repented her of bringing matters to such extremities, but that the blame was entirely owing to the wicked counsel of her own friends on the one part, and that of the Earl of Huntly on the other; for had it not been for him, she would have agreed with them in every thing at the conference held in Preston.¹ And after many such endearing expressions, she at last burst forth into tears, asking pardon of all those whom she had in any manner of way offended, and most heartily forgiving those who had offended her, wishing them also pardon and forgiveness at the hand of God. And the more to demonstrate the sincerity of her love and affection, she embraced, and with a smiling countenance kissed the Nobles one by one; and to those of inferior rank who stood by, she gave her hand to kiss, as a token of her kindness and dying charity. In a word, she manifested so much goodness and unfeigned affection, that she drew tears from all who were present. What particular returns the above mentioned Lords made to her Majesty our historians have not recorded; only we are told in general—“That they gave unto her what counsel and comfort they could in that extremity, and willed her to send for some godly and learned man of whom she might receive instruction; for, says Mr Knox, “these ignorant Papists that were about her understood nothing of the mystery of our redemption. Upon their motion John Willocks was sent for, who was then returned

¹ If this last expression be genuine, it confirms what hath been above observed of the Earl of Huntly.

from England, with whom she talked a reasonable space, and who did plainly shew unto her, as well the virtue and strength of the death of Jesus Christ, as the vanity and abomination of that idol the Mass." And he adds—"that she did openly confess, that there was no salvation but in and by the death of Jesus Christ,¹ but of the Mass we heard not her confession." She died the next day, and Archbishop Spottiswood says, *she ended her life most Christianly.*

As to the character of this Princess, though separately given by Archbishop Spottiswood, Bishop Lesly, and Mr Buchanan, yet in general they seem to agree, and in their sense I shall give it the reader as near as I can, with a very little addition. Mary, daughter of Claude, the first Duke of Guise,² was first married to Lewis, Duke of Longueville,

¹ So does every Papist, but it was this author's business to represent them in the vilest colours.

² The Family of Guise is a branch of that of Lorraine, therefore the Queen is sometimes called Mary of Lorraine.—[The Dukes of Guise or Guyse were a branch of the Sovereign House of Lorraine, which settled in France at the commencement of the sixteenth century. Claude, fifth sone of René II., Duke of Lorraine, and Philippa of Guilderland, after contesting the succession to his father with his elder brother, went to France, where he married Antoinette de Bourbon in 1513. Francis I., in 1527, created him Duke of Guise in Picardy and Peer of France. He died in 1530, leaving a numerous offspring, and one of his daughters was the Queen-Regent of Scotland, widow of James V. The male line of the House of Guise became extinct in 1675, at the death of the infant son of Louis Joseph of Lorraine, Duke of Guise, who died in 1671. The Duchy of Lorraine consisted of a large part of the kingdom of Lorraine, a province on the north-eastern frontier of France, 115 miles long from north to south, and about 130 miles broad from east to west in the northern, and probably 70 miles broad in the southern part. The Duchy of Lorraine was conferred by the Emperor Charlemagne on Gerard, a Noble of Alsace, and from him descended the long line of the Dukes of Lorraine, who governed the territory till about the middle of the eighteenth century. Francis Stephen, who succeeded his father Duke of Leopold in 1729, acquiesced in a treaty in 1735 between France and the Empire, by which his Duchy was ceded to Stanislaus Leckzinski, ex-King of Poland, whose daughter married Louis XV., and it was farther agreed, that at the death of Stanislaus the Duchy should be united to France. Francis Stephen, who married in 1730 the Archduchess Maria Theresa, and was in 1745 elected to the Imperial Crown, received the reversion of Tuscany in exchange for Lorraine. Stanislaus was recognized Duke of Lorraine in 1737, and he governed the country with wisdom and beneficence. In February 1766 his *robe de chambre* accidentally took fire, and he was so severely burnt that he died eighteen days afterwards in the 89th year of his age. With him ended the Dukes of Lorraine, and the Duchy has since been incorporated with France.—E.]

and after his death, to James V. King of Scots. She was a lady endowed with a singular wit, and a penetrating judgment; she had a mind full of humanity and compassion, and was a great lover of justice. From the time she first came into Scotland, she seemed to make it her business to study the inclinations of the people, and to accommodate herself to their manners so far as they were laudable. In her Court she maintained a decent gravity, nor would she tolerate any licentious practices therein. Her Maids of Honour were always busied in commendable exercises, she herself being an example to them in virtue, piety, and modesty. Nor was she less conspicuous in her charity and good-will to mankind, carefully relieving such as were in necessity, and whose birth rendered them ashamed to beg. She shewed a great concern for those that were sick, visiting them often in person, and assisting them by her skill and seasonable advice. A great dexterity she had in government, which appeared eminently in her wisely composing the tumults which happened in the North, the Highlands, and the remotest Isles, during her Regency, and which, by her wisdom and good conduct, she reduced to quiet and a perfect obedience. It was believed, that had she been left free to act according to the dictates of her own mind, she never had had those unhappy differences with the subjects, which brought such havock upon the country, and at last ended in her own sorrowful death; for she had really once so gained upon the people, by her sweet behaviour and complaisance towards all ranks, that she appeared able to have accomplished every reasonable thing she could desire, without force; and the natural propensity she had to justice was so universally known, that had not the great ones been much too great to bear rule, as her brave and bold husband had too direly experimented, she would undoubtedly have made all of them submit their desires to her determination. But her misfortune was double; she bare the name and office of Regent not without much envy, though her exemplary virtues, no less than her eminent birth and high station as Queen Dowager, rendered her most worthy of both; and she was obliged to act in her administration, not according to her own native goodness and propensity, nay not even with a regard to her own wise conduct and prudent foresight, but

merely as the Council of France, and their ministers residing with her, should advise and direct.¹—[Neither, indeed, even by these did she ever ordain any thing cruel, harsh, or unnatural; what blood was shed during her administration having been rather forced by the innovators of the times, and

¹ [At this part of Bishop Keith's "History," in which he delineates the character of the Queen-Regent, it was accidentally discovered that he had cancelled pages 129 and 130 of his original edition, for the purpose of introducing some very important alterations. The text now printed is from the cancel, as it was considered expedient to lay before the reader our Historian's own emendations. In the ordinary copy, after the words "advise and direct," the narrative proceeds—"Often was this Queen heard to say," &c. The passages in the text, marked by brackets, thus [], are contained in the cancel. Bishop Keith farther inserts the quotation from Holinshed as a note in the cancel, but in the other copy it is part of the text, followed by the following quotation—"And Mr Camden says—'She was a pious and wise princess, who had suffered the most bitter reproaches from some virulent and furious preachers, as may be seen in their own Church History, called in by Queen Elizabeth when it was just going to the press, as likewise from the hands of the Congregation, who, as native counsellors of the kingdom, had in the name of the Queen of Scots and of her husband, by their own authority, excluded her from the Regency, as one that opposed the glory of God and the liberty of the Scots.'" In this passage from Camden, Bishop Keith inserts his reference to the long note about John Knox, after the words "virulent and furious preachers," which is subsequently printed, with this difference, that instead of the introductory lines given from the cancel in the present reprint, "As Mr Knox had been a virulent enemy of this Queen in her life-time, he paid the same pitiful office to her after her death;" the Bishop originally wrote—"Of these [*the virulent and furious preachers*] the principal was Mr Knox, who has all along treated this Queen in a set of language peculiar indeed to himself, and too much below either a gentleman or a divine to utter. Speaking of her burial, he saith," &c. Another note was inserted in the quotation from Camden, at the words "Church History," which Bishop Keith thought proper to suppress in his cancel, and the space of which is obviously occupied by the passages in the text distinguished by brackets, to which the attention of the reader is directed. The obliterated note is as follows:—"By this he [Camden] means Mr Knox's History, an edition whereof was printed at London, but at what precise time has not as yet fully appeared. Mr Camden says here, that this book was called in by Queen Elizabeth when it was going to the press. He should rather have said, when it was just going to be *published*, since of this English edition in a small octavo, there are some few copies to be met with at this day, but every one of them is imperfect. The author of the Life of Mr Knox, prefixed to the late edition of his History at Edinburgh 1732, gives a passage from Calderwood's MS. to ascertain the time when this octavo edition was printed at London, in the following words—"February 1586, Vaultrollier the printer took with him a copy of Mr Knox's History to England, and printed twelve hundred of them; the stationers at the Archbishop's command seized them the

the stubbornness of the Reformers, than by any stretch or alteration attempted, or so much as aimed at by her. As for the purging the Church of its errors and superstition, much might have been done with her had wise measures been taken. But that which most exasperated her, and indeed the French Court itself, was the calling in of and combining with the English, in opposition to their native Sovereign, and in effect renouncing the ancient league with their old friends the French, and entering into a new one with their old and hitherto inveterate enemies the English. Nor was the presumptive view of the House of Hamilton to the Crown, and the more impudent, though more latent practices of the Lord James for obtaining the same, distant causes; but rather the very sources of all those troubles which broke forth in the latter end of this Queen's administration, and ended not only in her own ruin, but in that of her most injured daughter long after she was gone; and as no man of religious and loyal principles will or can justify the Congregationers in many of their actions, neither did she herself justify her own administration as directed by her French superintendants. Wisdom had set up her tents with neither party; both were haughty, both were incensed; and desolation followed thereupon].—Often was this Queen heard to say—If her own counsel might take place, she doubted not of being able to compose all the dissensions within the Realm, and to settle the same upon good and equal conditions, into

18th of February. It was thought that he would get leave to proceed again, because the Council perceived that it would bring the Queen of Scots in detestation." This seems to be the best account of the date when these books were seized, but the expectation of obtaining leave to proceed again seems to have failed. True, indeed, the ground of the expectation seems to be plausible enough, seeing Mr Knox has laid himself out as it were to bring the Queen of Scots his Sovereign into detestation, but it seems likewise that the Council of England stood no longer in need of Mr Knox's detracting pen. They had gained their point before that time, and now they saw well that such language and representations as that book contained, was not fit to be allowed a free passage into the world. That wise Council acted herein somewhat like those who fawn on a traitor while his treachery may be serviceable to them, but when that season is over, they despise both the traitor and the treachery. It may be observed that the deepest favourers of Mr Knox appear willing to let this first octavo edition of his History slip away unregarded; perhaps because there are several expressions in it which at this time of day they are loth to justify, and as loth to condemn."—E.]

a perfect tranquillity and lasting peace. In fine, her death was not only much lamented by all of her own party, but even bewailed by many of those who were in arms against her; and I hope the concurring testimony of the three above mentioned historians, joined to that of some impartial foreigners,¹ will sufficiently guard the minds of all unprejudiced readers against the malign influences of Mr Knox's virulent pen, in his History of the Reformation, and in a language peculiar to himself, much unbecoming a tolerable subject, which indeed he never could be in any country wherever he was, more a gentleman, but most of all a divine. He treats that Lady in such terms, as must of themselves disarm those who peruse his book of any faith in his words; when at the same time they must be blind not to see his own nature in the venom of his expressions.² The Queen's body was put into a coffin of lead, and carried over into France in the month of October following, and buried in

¹ Mr Holinshed, an English historian, writes—"That she was a wise and prudent Princess: that during the time of her Regency she kept good justice, and was well obeyed in all parts of the Realm: that though the Estates and people of the land did grudge under her government, (by reason of her following the advice of strangers), yet it was not for any misliking they had of her, who surely deceased to the great grief and lamentation of the whole number of the Estates and people of the Realm." Mr Camden says also that she was a "pious and wise Princess."

² As Mr Knox had been a virulent enemy of this Queen in her lifetime, he paid the same pitiful office to her after her death; for, speaking of her burial, he saith—"If all things should be rightly weighed, we shall perceive God's just judgments, how secret that ever they be. Before, we heard the barbarous inhumanity that was used at Leith by the French, who exposed the naked carcasses of the slain as it were in a spectacle, despiting God. We have heard that the Queen-Regent rejoiced at the sight; but her joy was suddenly turned into sorrow, as we have heard. The question was moved of her burial. The preachers boldly gainstood that any superstitious rites should be used within that realm which God of his mercy had begun to purge; and so conclusion was taken, that her burial should be deferred till farther advisement, and so was she clapped in a coffin of lead, and kept in the Castle from the 9th [10th] of June until the 19th of October, when she by pynours was carried to a ship, and so carried to France. What pomp was used there, we neither hear nor yet regard; but in it we see that she that delighted that others lay without burial, gat it neither so soon as she herself, if she had been of the Counsel in her life, would have required it, neither yet so honourable in this Realm as sometimes she looked for. It may perchance be a pronosticon, that the Guisian blood cannot have long rest within this Realm." There is added in the later editions—"As men do, so they receive." Strange! how unbecoming and how mean is this from the *great Mr Knox*! I will ask pardon to insert here the

the Benedictine Monastery of St Peter at Rheims, in Champagne, where her own sister Renée was then Abbess.

ground of this reflection of his, which he intends as an accomplishment of a prophecy emitted by him. He tells us—That a little before the Queen's death, she having espied, from the Castle of Edinburgh, the dead bodies of the slain, which the garrison of Leith had laid over their walls after a skirmish with the besiegers, should have said—"Yonder are the fairest tapestrie that ever I saw: I would that the whole fields that is betwixt this place and yon were strowed with the same stuff." "Against which, he says, John Knox spake openly in pulpit, and boldly affirmed—That God should revenge that contumelie done to his image, not only in the furious and godless soldiers, but even in such as rejoiced thereat. And the very experience declared that he was not deceived; for within few days after, yea, some say that same day, began her belly and lothsome legs (*O shameful and indecent expression!*) to swell, and so continued till that God did execute his judgment upon her, as after we shall hear." He should have remembred that the judgments of God are a great depth. "Shortly thereafter she finished her unhappy life, unhappy we say to Scotland, from the first day she entered into it, unto the day that she departed this life. God, for his mercie's sake, rid us of the rest of the Guisian blood! Amen. For of the tyranny of the Guisian blood, in her that for our unthankfulness now reigneth above us, we have had sufficient experience; but of any virtue that ever was espied in King James V., whose daughter she is called, to this hour we have never seen any sparkle to appear." What enthusiasm, venom, imprecations, and falsehood! Bad qualities in a Reformer! Much room left here for the reformation at home. The blessed Apostles converted the world by a better spirit.—[The delineation of the character of the Queen-Regent by Bishop Keith is in accordance with undoubted historical fact. This Princess was compelled by sickness to retire to Edinburgh Castle, where she died in peaceful resignation on the 10th of June. The unfeeling observation respecting the slain at the siege of Leith, which Knox ascribes to her, is a gross fabrication. The Queen-Regent must have had keener powers of vision than those of any human being, if she could recognize a range of dead bodies on the then ramparts of Leith from Edinburgh Castle. "Possessed, according to the testimony of writers whose opposite principles render their evidence unsuspected," says Mr Tytler, "of a sound and clear intellect, a kind heart, and a generous and forgiving temper, she had gained the affections of the people and the confidence of the Nobility, by the wisdom, liberality, and prudence with which she conducted the affairs of the country during the first years of her regency. These were eminently popular and successful, nor did the tide turn against her till, surrounded by the perils and difficulties of the Reformation, she was compelled to adopt the violent principles of the House of Guise, and to forsake the system of conciliation which she at first adopted. It is sad to find that intolerance and persecution pursued her even after death." (History of Scotland, vol. ii. edit. of 1842, p. 164, 165.) Such was one of the results of the "Reformation." The beautiful, high-minded, and virtuous widow of James V., the mother of Queen Mary, was actually denied the rites of Christian burial by John Knox and his associates!!—E.]

CHAPTER XII.

CONTAINING AN ACCOUNT OF PUBLICK AFFAIRS, FROM THE DEATH OF THE QUEEN-REGENT 10TH OF JUNE 1560, TILL THE ESTABLISHMENT OF THE REFORMED DOCTRINES BY THE ESTATES OF THE KINGDOM IN THE MONTH OF AUGUST THEREAFTER.

SIX days after the death of the Queen-Regent, the Commissioners-Plenipotentiaries both from France and England arrived in Scotland, in order to compose the differences that had fallen out in this kingdom. For the King of France, finding that he was not in a condition to continue and carry on the war here against the power of England, nor able even to extricate himself out of it with honour by force of arms, thought fit to enter into *a reconciliation of differences arisen with the Queen of England, by assembling of men on the Borders* (so it is worded in the Commission), by which method he reckoned that he would both gain the end he aimed at, which was peace, and save his own, and his wife the Queen of Scots her dignity, from stooping so low as to enter into treaty with their own rebellious subjects. Accordingly, on the 2d of May 1560, a commission is granted by Francis and Mary, King and Queen of France and Scotland, at Chenonceau, to John Monluc, Bishop of Valence, Nicolas Pelue, Bishop of Amiens, Jacques de la Brosse, Henry Clentin Sieur d'Oysel, and Charles de la Rochefaucault, Sieur de Randan,¹ to meet on the Borders of Scotland, or where they shall appoint, in concert with the Commissioners of the Queen of England, viz. Sir William Cecil, the Secretary, Nicolas Wotton, Dean of Canterbury and York, Henry Percy, and Peter Craw, whose commission bears date the 25th of May the same year. It is acknowledged by Mr Buchanan, that both Scots and English were as desirous of peace as the French. But because the subsequent treaty has been variously, and yet not distinctly

¹ [The Sieur de Randan had been the bearer of a letter from his master the French King to Queen Elizabeth, and in his passage through England he was admitted to an interview with that Princess. Tytler's History of Scotland, vol. vi. p. 167.—E.]

presented by him nor our other historians ; some of them blending the treaty with the Queen of England, and the concessions granted to the subjects of Scotland into one single instrument ; others again, narrating the first only, and entirely omitting the last, or, *à contra* ; I shall lay here the several parts and portions both of the one and the other before my readers, from uncontrovertible authorities.

“ ARTICLES¹ AGREED BETWEEN THE COMMISSIONERS OF THE QUEEN OF ENGLAND AND THOSE OF THE KING AND QUEEN OF FRANCE AND SCOTLAND, AT BERWICK, THE 14TH DAY OF JUNE 1560.²

1. “ The saids Commissioners have agreed, That the town of Edinburgh shall be the place of treaty.

2. “ It is agreed that on Monday next (the 17th of the month) the saids Commissioners shall convene all together in the said place, and begin the treaty, which shall endure no longer than until Saturday thereafter inclusive, unless the saids Commissioners shall prorogate the same for some just cause.

3. “ On the said Monday, the Commissioners shall agree upon the method and form of a mutual abstinence or cessation of arms³ during the time of the treaty.

4. “ The French Commissioners and their retinue included in their letters of safe-conduct, shall be obliged to enter the limits of Scotland in company with the Commissioners of England, and none of them must carry along with them more money than shall appear to be justly necessary for their ordinary expences. Neither shall it be lawful for them to have any conference with French or Scottish men, either on the road to Edinburgh, or during their abode in Scotland, in the time of the treaty, but by consent of the Commissioners of England, or of such persons as shall be appointed by them to look after this matter.

¹ Cotton Library, Calig. Book X. a Copy ; and Lawyers' [Advocates'] Library, Edinburgh.

² One half of these Articles are in the Latin tongue, and the other in English.

³ This abstinence served the English to good purpose. See Appendix, Number XXIII.

5. "No person belonging to the retinue of the Sieur de Randan and Bishop of Valence¹ shall go out of the lodgings which shall be appointed for them at Edinburgh, without consent of such Englishmen as shall be deputed by the Commissioners of England to accompany them.

6. "It is agreed by the English Commissioners that the French Commissioners, during the time of the treaty, may confer with the Archbishop of St Andrews,² and with one that was Secretary³ with the Queen at her death, and the Justice-Clerk. And if any of these three shall refuse the same, or cannot,⁴ then they shall have licence to speak with some other Scotsman, not being in any of the forts holden by the French.

7. "It shall be assured that every of the said three persons of Scotland shall, after their communication with the said Commissioners of France, return to the place from whence they came.

8. "It shall be lawful for the said French Commissioners to demand, and to have and retain such cyphers and writings as were left by the Queen Dowager in the hands of the Secretary, and likewise that Captain Chapperon⁵ shall come and speak with them, and deliver to them such commissions and writings as he carried into Scotland from France.

9. "It shall be also permitted that they may send to the ladies and gentlewomen of France which served the Queen, to comfort them, or that they shall come to the said Commissioners.

10. "The said Commissioners of France do bind themselves that they shall observe, and cause to be observed by them and theirs, every thing in the premises appointed to be observed by them, and any of them.

Finally. "The said Commissioners of England do bind

¹ These were the only two French Commissioners who sate upon and concluded the treaty.

² Note, from this part, the Articles are *verbatim* as here, in the English language.

³ The person is not designed.

⁴ By a letter from Sir William Cecil to the Queen of England, it would seem that the Archbishop thought not himself safe to appear in publick; so the French Commissioners went to the Castle of Edinburgh, where he was, in order to confer with him. See Appendix, Number XXIII.

⁵ This gentleman had lately brought from France a letter in cyphers to the Queen-Regent. See Appendix, No. XXII.

themselves likewise, that they for their parts shall observe, and cause to observe the premises, as far forth as concerneth their parts."

" CONVENTIONES¹ SUPER DEMOLITIONE VILLÆ DE LYETHE,
OR THE ACCORD FOR THE DEMOLITION OF THE FORTI-
FICATIONS OF LEITH.

1. " On² the day after the publication of the peace, six gentlemen shall be nominated on both sides by the deputies,³ with the advice of the lieutenants⁴ of both parties ; that is to say, three of the French side, and three of the English side. Those of the French side shall repair to the Lieutenant of England, and those of the English side to the King's Lieutenant. And these six gentlemen shall have the charge of seeing the following Article put in execution, viz. That all the artillery which is in Leith shall be brought into the market-place of the said town ; and in the instant that one of the saids pieces of artillery shall be removed from the ramparts of the said town, one piece shall likewise be taken down from the English batteries, and so forward, one piece shall be removed from the town, and another piece from the English batteries, or two pieces, if there be more pieces upon these batteries than within the said town ; in such manner, that when all the artillery shall be taken from the ramparts of the town, and laid in the market-place, and all the English artillery shall be laid in a certain open place near to their batteries and forts, then shall all the artillery of both parties be removed again from the market-place, and from that other place where they were conveniently laid for embarkation, and shall be embarked with all possible speed, after the same manner as was observed in taking down the respective artillery, without any fraud or deceit whatsoever.

2. " Next, all the colours and ensigns, as well in the town as in the trenches and forts, shall be taken down in good

¹ Rymer's *Fœdera Angliæ*.

² This Accord is all in French.

³ i. e. The respective Ambassadors Plenipotentiaries.

⁴ i. e. The respective Commanders-in-Chief of the French and English soldiers, viz. Monsieur d'Oysel and the Lord Grey.

and peaceable order, after the same manner as was done by the artillery.

3. “ Then the six gentlemen shall be exchanged, and two of the principal gentlemen of Leith shall be delivered hostages to the English for accomplishment of what followeth.

4. “ How soon a cannon shall be discharged on both sides, the French shall begin to demolish the bastions, curtins, and other fortifications of the said town, and the English army, that is, all the foot, shall retire to Musselburgh; and then the Lords of Scotland shall furnish as many pioneers as they are able, for to finish the demolition of the said town, and if those be not sufficient, the English shall supply them.

5. “ The French soldiers shall embark, and after they are embarked, the English camp shall remove directly to Berwick, where the soldiers shall be reviewed, have their wages paid them, and be disbanded.

6. “ After all the French soldiers shall be embarked, the saids hostages shall be delivered up, provided that four of the principal French gentlemen be given to the English as hostages, to answer for the ships in which the French are embarked, that they shall return in safety without any hindrance or disturbance from the French, or any other let whatsoever with the knowledge of the French; and likewise for satisfaction and payment of the fraught of the said ships, and of the vivres which shall subsist the said Frenchmen, or may be embezzled by them; and these hostages shall go to London, and there remain until the arrival of the saids ships, and that satisfaction be made for the charges.

7. “ That the French shall not desist from embarking, nor the English from retiring, although the demolition of the said town be not perfectly completed, provided there be left six gentlemen on each side who shall assist in the said demolition, until the same be perfected to the satisfaction of both parties.

8. “ That the soldiers of either side, both horse and foot, shall be prohibited to enter either into the camp or town, without licence from six gentlemen appointed by both parties for this effect; and of this prohibition publick notice shall be given by beat of drum in both armies.

9. “ If there chance to be any sick persons, whether gentlemen or ladies, who have a desire to pass into France

rather by land than by sea, the same being known to be sober and discreet persons, disposed rather to peace than war, they shall have liberty granted them to pass through England, provided there be not more than forty in company together.

“10. If any difficulty shall arise in the above Articles, the same shall be determined by us, the saids Ambassadors, with the advice of the Lieutenants of both parties.

“In testimony of all which, we, the above-named Ambassadors, have signed these presents, and have caused the seals of our arms to be affixed, this 5th day of July 1560.

“J. MONLUC, *E* [*pisc.*] *de Valence*. W. CECIL.

“RANDAN.

N. WOTTON.” (L. S.)

“CONVENTIONES SCOTIÆ,¹ OR THE TREATY OF PEACE AT
EDINBURGH.²

ART. I. and II. “(The Treaty of Cambray is confirmed, but I omit to set down these two Articles at length).

III. “It is appointed, agreed, and concluded, that all the military forces pertaining to either party by sea or land shall depart out of Scotland, after the manner, and upon the terms as shall be agreed by particular Articles signed and sealed by the respective commissioners; such a certain number of French soldiers excepted, as shall be condescended upon by the Commissioners of France and the Lords of Scotland, to remain in the castle of Dunbar and fort of Inchkeith.

IV. “It is appointed, agreed, and concluded, that all manner of warlike preparations in England and Ireland against the French or Scots, and in France against the English, Irish, or Scots, shall hereafter cease; so that no ship having on board any soldiers or warlike instruments, or preparations for war, shall be allowed to pass from England or Ireland, or from any other part, into France or Scotland, by and with the consent of Elizabeth Queen of England; nor from France, nor any other part, to England, Ireland, or Scotland, by and with the consent of Francis and Mary, King and Queen of France and Scotland.

V. “Seeing in the forementioned Treaty of Cambray it

¹ Rymer's *Fœdera Angliæ*.—[Vol. xv. p. 593-597.—E.]

² This Treaty is all in Latin.

was agreed and concluded that the fort built at Aymouth, in the kingdom of Scotland, should have been demolished within three months after the date of the said treaty, razed to the ground, and nothing ever thereafter to have been built there. And although the same fort be in some sort demolished, yet not so as was agreed upon; therefore it is now appointed, agreed, and concluded, that the said fort of Aymouth shall be utterly demolished and razed before the end of four days after the demolition of Leith shall begin. And in the demolishing of the said fort, such Scottish men as shall be deputed thereunto by the Commissioners, shall be at freedom to make use of the labour of English pioneers.

VI. "Seeing the kingdoms of England and Ireland do by right pertain to the Most Serene Lady and Princess Elizabeth, upon which account it is not lawful for any other persons to call, write, name, or entitle themselves, nor yet to order themselves to be called, written, named, or entitled King and Queen of England or Ireland, nor to use or take to themselves the ensigns armorial, or arms of the kingdom of England or Ireland: Therefore it is appointed, agreed, and concluded, that the said Most Christian King and Queen Mary, and both of them, shall in all times coming abstain from using and bearing the said title and arms of the kingdom of England or Ireland, and shall strictly prohibit and forbid their subjects in France and Scotland, and the provinces thereof, from using the saids title and arms any manner of way; and shall likewise prohibite and take care, so far as in them lyes, that no person quarter the saids ensigns armorial with the arms of the kingdoms of France or Scotland. And if there be any publick letters or writings which carry in them the title of the kingdoms of England or Ireland, or be sealed with the seal of the saids kingdoms, or either of them, the same shall be renewed, without the adjection of the title and arms of England and Ireland; and all letters and writings containing the said title, or sealed with the seals of the saids arms, which shall not be renewed within six months after the publication of this present treaty, shall be void and of no avail. *Finally*, they shall take care, so far as they can, that in the saids kingdoms of France and Scotland, the saids arms be no where

extant, seen, or found mixed with the arms of the saids King or Queen Mary ; and that the said title be no where extant, seen, or found ascribed to the saids King or Queen Mary.

“ VII. Whereas the Commissioners of the Most Serene Queen Elizabeth did require, that the foregoing caution and provision contained in the close of the article immediately preceding, should be published by open proclamation, and did likewise insist on a farther compensation and reparation for the injuries which they alledged were done to the said Most Serene Queen Elizabeth, by the saids Most Serene King and Queen Mary : And whereas the Commissioners of France, after having replied sundry things in answer thereunto, did farther add, That they had no authority to treat or conclude any thing concerning these particulars, and if they should wait until a return shall come from France, not only would there arise from thence a great loss of time, but moreover strong impediments may come in the way of compleating the present treaty of peace and amity : Therefore it is appointed, agreed, and concluded, that this disceptation concerning the above demands, namely, concerning the publication of the foresaid caution, and concerning a farther reparation, shall be remitted to another meeting at London between the saids Commissioners of both parties, to be assembled as quickly as conveniently may be. And if nothing can be got concluded concerning the said disceptation before the end of three months, to be reckoned from the date of this present treaty, in that case the said disceptation shall, by consent of both parties, be referred to the arbitration of the Most Mighty Prince Philip the Catholick King of Spain, to whose sentence and award both parties shall stand. And if the said Catholick King shall not find it convenient for him to pronounce a final decree in writing concerning these matters within a year after the aforesaid three months are elapsed, excepting still if the term shall not chance to be prolonged by consent of both parties, whether there be no such prolongation of the time, or the said Catholick King do not put an end to the said disceptation within the time so prolonged ; in either of these cases, the said Most Serene Queen Elizabeth's right of suing for these things shall be reserved entire to her, in the same

state and condition it was in before the commencement of this treaty.

VIII. "Seeing it hath pleased Almighty God, in whose hands are the hearts of Kings, so to incline the minds of the saids Most Christian King and Queen Mary, that they have largely manifested their clemency and benignity towards their Nobility and people of their kingdom of Scotland, and that reciprocally the saids Nobility and people have willingly, and of their own accord, acknowledged, professed, and promised all duty and obedience to the saids Most Christian King and Queen their Sovereigns: For the better preservation, cherishing, and continuance whereof, the saids Most Christian King and Queen have, by their saids Commissioners, granted their assent to certain supplicatory petitions presented by the saids Nobility and people to the saids King and Queen, tending to the honour of the saids King and Queen, to the publick benefit of the said kingdom, and to the continuation of their obedience. And the saids Most Christian King and Queen being desirous to have their said benignity towards their said subjects attributed to the good offices of the said Most Serene Queen Elizabeth, their most dear sister and confederate, at whose intercession and request the saids King and Queen have been more propensely moved hereunto; therefore it is agreed between the foresaid Commissioners of both parties, That the saids Most Christian King and Queen Mary shall fulfil all those things which by their saids Commissioners they have granted to the saids Nobility and people of Scotland, at Edinburgh the 6th day of July, in this present year 1560, provided the saids Nobility and people of Scotland shall fulfil and observe all those things that are contained in the saids Articles and Conventions to be performed on their part.

IX. "In this treaty of peace and amity is comprehended, on the part of the saids Most Serene Princes, Francis the Most Christian King of France and Queen Mary, as likewise on the part of the Most Serene Elizabeth Queen of England, the Most Potent Prince Philip the Catholick King of Spain, conformable to the force and effect of treaties subsisting between the saids Kings and Queens, their kingdoms, territories, countries, and dominions.

X. “ It is appointed, agreed, and concluded, that this present treaty, with all and several the conventions and contents thereof, shall be ratified and confirmed by the saids Most Mighty and Illustrious Francis and Mary, and Elizabeth, and each of them, within the space of sixty days after the date of this treaty, and shall be turned by them into letters-patents, with their Great Seals appended, and their proper manual subscriptions adjoined ; and the saids Princes, and each of them, shall deliver the saids confirmatory authentick letters, so subscribed and sealed, to the Commissioner or Commissioners of the other Prince, having authority to this effect.

XI. “ It is appointed, agreed, and concluded, that the saids Most Illustrious and Most Mighty Princes, Francis and Mary, and Elizabeth, and every of them, shall, in the presence of the Commissioner or Commissioners of the other Prince having sufficient authority for this effect, if required by him or them, promise on their royal word, and swear upon God’s holy Gospel, and every of them shall so swear, That they shall truly, inviolably, and in good faith, observe for their part all and every the articles, conventions, provisions and pacts comprehended in this present League and Treaty.”¹

HERE FOLLOW THE TENORS OF THE COMMISSIONS.

“ In faith and testimony of all which and singular the premisses, we, the foresaid Commissioners and Ambassadors, have caused these letters-patents, subscribed with our hands, to be fortified and corroborated by our Seals.

“ These things were done at Edinburgh, within the said Kingdom of Scotland, the 6th day of July 1560.

“ J. MONLUCIUS, *Ep. Valentinus*. W. CECIL.

“ J. RANDAN. N. WOTTON.”

From these Articles it appears, that nothing concerning

¹ By the tenor of the commissions to the respective Plenipotentiaries, their royal constituents had obliged themselves in good faith, and upon their royal words, to hold firm and stable every thing that shall be concluded by their respective deputies within the time agreed upon, and never to come into the contrary any manner of way. And the Queen of England, for her part, did ratify the present Treaty in form at Windsor, the 2d of September the same year. *Fœdera Angliæ*.—[Vol. xv. p. 597.—E.]

the differences between our Sovereign and her subjects was engrossed in the treaty concluded by the French and English Ambassadors-Plenipotentiaries at this time. We have nevertheless sufficient ground to be assured by the VIII. Article preceding, that at the intercession of the Queen of England, certain concessions were granted by the French Commissioners, in name of the King of France and his Queen, our Sovereigns, to certain petitions presented to them by the Nobility and people of Scotland. It has been deemed too derogatory from the majesty of sovereigns to enter into treaty with their own subjects, and therefore this middle way has been fallen upon, that the Nobility and people of Scotland should offer petitions for redressing of such things as were grievous to them. And the King and Queen had condescended, by the friendly offices of the Queen of England their fellow Sovereign, to concede such things as might introduce a good harmony and understanding between them and their people.¹

“ THE CONCESSIONS GRANTED BY THE KING AND QUEEN, TO
THE NOBILITY AND PEOPLE OF SCOTLAND.²

“ Although³ war be sometimes permitted for necessity, for self-defence, and for other just and reasonable causes, nevertheless seeing the effects thereof are afflicting and mischievous, it must of consequence be disagreeable and hateful to all those who have any thing of the fear of God remaining in them; for besides that there can be no war without a dissolution of the bond of charity, which is the true and certain mark whereby true Christians are discernable from those wicked ones who bear the name only of Christianity, humane blood is therein shed with far less regard than that of the brute beasts in the shambles; the whole body of the people is cruelly treated and trampled upon; the ill-deserving are supported and favoured; the

¹ See Cecil's letter, 20th June 1560, in the Appendix, Number XXIV.

² The following paper is drawn up in French. The title prefixed to this attested copy in the Cotton Library is not written by the same hand, but by Secretary Cecil, and is this—*Accord betwixt the French Kyng and Queen of Scots and the Nobilitie of Scotland, 3. die Julii 1560.*

³ Cotton Library, Calig. Book 9, fol. 126.

virtuous are oppressed, and constrained to abandon their houses and families ; married women are forced from their husbands ; virgins are haled away, and made subservient to abominable practices ; widows and orphans are left a prey to those whose chief business it is to work mischief. These are the effects of war : And therefore the cry of so many poor afflicted persons cannot fail to reach unto Heaven, and be heard by Him who cannot lie, and hath promised to revenge the evil which is done to the desolate, whom He hath taken under His own protection and safe-guard. All which inconveniences and mischiefs having been maturely and wisely considered by the King and Queen our Sovereigns, who desire nothing more than to maintain their subjects in peace, union, and tranquility : And being to their great grief advertised of the troubles which have fallen out of late in this Kingdom of Scotland, following their own good and Christian disposition, they have given express deputation to the Reverend Father in God, John de Monluc, Bishop and Count of Valence, one of his Majesty's Privy Council, and to Messire Charles de la Rochefoucault, Knight, Seigneur de Randan, Chamberlain in Ordinary to the King, and Captain of 50 gens d'armes,¹ to transport themselves into Scotland, with orders to appease the commotions of war, and reconcile, if possible, all differences, and to notify to the Nobility, and all their other subjects in that kingdom, their Majesties' gracious intentions to receive them into favour, and to retain no remembrance of any thing that has intervened from the beginning of those troubles ; which gracious clemency the Scottish Nobility have received with all due submission and reverence, both in name of themselves here present, and of those that are absent ; and in testimony of their duty have offered to render to their Majesties all that obedience which the true, faithful, and natural subjects of this Crown owe to their Sovereigns ; promising at the same time to serve their Majesties so faithfully, and so to acquit themselves of their bounden duties, that their Majesties shall ever have occasion to treat them favourably. And in order to remove all differences which are at present subsisting, as well as to take out of the way the occasions that may chance

¹ Capitaine de 50 hommes d'armes des ordonnances.

to create new ones for the time to come, they have presented to the lords-deputies a petition, containing certain Articles for the preservation and maintenance of their liberties, laws, customs, and privileges, and of peace, union, and love, among the whole subjects; of the which Articles, such as have appeared to be just and reasonable to the lords-deputies, the said deputies have granted the confirmation in name of the King and Queen our Sovereigns, in manner after following:—

I.¹ “ Upon the complaint made by the Nobility and people of this country against the number of soldiers kept up here in time of peace, supplicating the lords-deputies of the King and Queen to afford some remedy therein, for the relief of the country; the saids deputies having considered the said request to be just and reasonable, have consented, agreed, and appointed, in the name of the King and Queen, That hereafter their Majesties shall not introduce into this kingdom any soldiers out of France, nor any other Nation whatsoever, unless in the event of a foreign army’s attempting to invade and possess this kingdom, in which case the King and Queen shall make provision, by and with the counsel and advice of the three Estates of this Nation. And as for the French soldiers that are just now in the town of Leith, they shall be sent back into France at the same time that the English naval and land armies, together with the Scottish army, shall remove in such form as shall be more amply devised. And it is likewise agreed, that such bands of Scottish soldiers as are within the town of Leith shall be disbanded. Item. That no more than sixscore French soldiers shall be retained in the forts of Dunbar and Inchkeith, to be divided between them two places, sixty whereof, and no more, shall remain in the fort of Dunbar. And if the States can fall upon any secure means whereby to retrench the expence laid out on these two places, without incurring the danger of rendering them a prey to those that would pretend to make themselves masters of them, they are at freedom to acquaint their Majesties thereof with the soonest;

¹ The original attested copy is not broken into numbers; I have only taken that freedom.

but the foresaid number of sixscore French soldiers shall in nowise be augmented, nor shall it be allowable for them to do harm or injury to any person, nor yet to receive within their forts any Scottish men, of what quality or degree soever, with intention to secure them from the magistrates of the country, or defend them against the officers of justice ; nor shall they take any part in any private quarrels which may chance to fall out among the great men or other persons within the kingdom ; and if any complaint shall be made against any of themselves, they shall be bound to answer before the ordinary Judges of the land, and shall be liable to punishment according to the laws and customs of the country. Item. It is provided, that to prevent their taking things upon loan, they shall receive their wages regularly each month ; and it shall be lawful for two Scottish gentlemen chosen by the Council, to be present at their musters, and to inspect the forts, lest there be more men got into them than the stipulated number. Item. The soldiers belonging to those two garrisons shall not take to them any victuals without paying ready money for the same ; at least, they shall not take them against the good-will and consent of those to whom they belong. And the Nobility shall be obliged to furnish them with as much as they stand in need of, provided they have money to pay for the same.

II. “ As to the petition presented to the Lords Deputies concerning the demolition of fortifications, they have consented, agreed, and appointed, that the fortifications of Leith shall be demolished. And as for Dunbar, two Commissioners shall be appointed by the Lords Deputies, who, together with two Scottishmen, shall visit the place, and consider what therein is fit to be demolished ; and such new works as have been added to it since the beginning of these troubles, together with such as may serve to enlarge the fortification, and render it capable to receive soldiers, shall all be thrown down three days after that Leith begins to be demolished. And forasmuch as by the said demolition, and the few soldiers that are to be left in garrison, the place will be in danger to be surprized ; it is accorded, That those who have presented this petition, shall each in particular oblige themselves to defend it with all their force against all those that would attempt to seize it. The same

thing shall in like manner be agreed upon by the States, with respect to the Wardens of the Marches. And neither the King nor the Queen shall hereafter cause to be built any new fortification within this kingdom, nor yet enlarge those that are now subsisting, nor repair those that are now to be demolished, but by the advice and consent of the States. Neither shall they cause to be imported any artillery, ammunition, gunpowder, or vivres, in a greater quantity than shall be necessary for the defence of the two forementioned forts, and the complement of their garrisons from one half-year to another, or at most from year to year, without the advice and consent of the States foresaid.

III. "Touching the petition for the payment of such debts as be owing within this kingdom by the French and Scottish bands in the service of the King, the Lords Deputies have agreed, that the King and Queen shall cause to be reimbursed whatever has been given to the King's Lieutenant, to the captains and other officers for the subsistence of the said bands; and generally whatever the King's Lieutenant is in debt for his Majesty's service, whether the same appear by writing, or by the confession and acknowledgment of the parties.

IV. "Concerning the petition relating to the assembling of the States, the Lords Deputies have agreed, consented, and appointed, that the States of the kingdom may assemble in order to hold a Parliament, on the 10th day of July now running; and that on the said day the Parliament shall be adjourned and continued, according to custom, from the said 10th day of July until the 1st day of August next; provided that before the States shall enter upon any business, all hostilities both by English and Scottish men be at an end, that so the votes of the meeting may be unconstrained, and none of them overawed by soldiers, or any other persons whatsoever. And during the interval of adjournment, the Lords Deputies shall order a dispatch to the King and Queen to advertise them of this concession, and supplicate them most humbly, that they would be pleased to agree to that which they have herein accorded. And this Assembly shall be as valid in all respects as if it had been called and appointed by the express commandment of the King and Queen; provided always, that no matter what-

soever shall be treated of before the foresaid 1st day of August.

V. "Concerning the Article relating to peace and war, the Lords Deputies have consented, granted, and appointed, that neither the King nor the Queen shall order peace or war within Scotland, but by the advice and consent of the three Estates, conformable to the laws, ordinances, and customs of the country, and as has formerly been done by their predecessors, Kings of Scotland.

VI. "Touching the petition presented to the Lords Deputies relative to the political government and the affairs of State within this kingdom, the said Lords have consented, accorded, and agreed, that the three Estates shall make choice of twenty-four able and sufficient persons of note of this realm; out of which number the Queen shall select seven, and the States five, for to serve as an ordinary Council of State during her Majesty's absence, for administration of the government. And it shall not be allowed for any person, of what rank soever, to meddle in any thing that concerns the civil government, without the intervention, authority, and consent of this Council. And the said Counsellors shall be obliged to convene as oft as they can conveniently, and not under six at a time. And when any matter of importance shall occur, they shall all be called to consult and give their orders therein, at least, the greatest part must be present. And when any one of the Queen's nomination shall happen to die, their Majesties shall make choice of another to fill his place, out of the remainder of the twenty-four which were at first presented to them. And in like manner, when one of the five that were nominated by the States happens to decease, in that event the other surviving four shall elect another, out of the remainder of the twenty-four that were nominated first. Moreover, if the States shall find it convenient to add to the number of twelve two more Counsellors, in that case the King and the Queen shall chuse one, and the States another. And it is specially declared, that the concession of this Article shall in nowise prejudice the King and Queen's rights for hereafter, nor the rights of this Crown. And as for the salaries and expences to be paid to the saids Coun-

sellors, and the officers under them, the Lords Deputies engage to employ their interest and good offices with the King and Queen, to obtain these for them out of the revenues of the crown, provided they take care to attend and wait upon their charge.

VII. "Concerning the petition presented to the Lords Deputies, respecting the offices of the Crown, they have consented, agreed, and appointed, that hereafter the King and Queen shall not employ any stranger in the management of justice, civil or criminal, nor yet in the offices of Chancellor, Keeper of the Seals, Treasurer, Comptroller, and such like offices, but shall employ therein the native subjects of the kingdom. Item, That their Majesties shall not put the offices of Treasurer and Comptroller into the hands of any clergyman, or other person who is not capable to enjoy a State office;¹ and the Treasurer and Comptroller shall be invested with powers sufficient for the exercise of their respective offices;² but it shall not be lawful for them to alienate or dispose of the wards of marriages, non-entries, casualties, nor any other things which have relation to their offices, without the advice and consent of the Council; that thereby the Counsellors may be assured, that every thing is made to return to the Queen's profit. Yet the Deputies mean not by this article to have the Queen limited and restrained from a liberty to grant pensions and gifts where she shall think fit.

VIII. "The Lords Deputies have agreed, that in the ensuing Parliament the States shall form, make, and establish an act of oblivion, which shall be confirmed by their Majesties the King and Queen, for sopiting and burying the memory of all bearing of arms, and such things of that nature as have happened since the 6th day of March 1558; and by this Act all those who have any manner of way contravened the laws of the kingdom, shall be exempted from the pains and penalties contained therein, as if they had never offended,

¹ It is in the original, *qui ne soit capable de l'estat*. And Mr Knox renders it, *Which are not able to exercise the said offices*; and so does an old copy in the Lawyers' [Advocates'] Library. Which last translation is indeed supported by the following clause.

² *Pour exercer leur estat*.

provided nevertheless. that the privilege of this Act be not extended to those whom the Estates shall not deem worthy thereof.¹

IX. “ It is agreed and concluded, that the Estates shall be summoned to the ensuing Parliament according to custom,² and it shall be lawful for all those to be present at that meeting who are in use to be present, without being frightened or constrained by any person. And the Estates shall oblige themselves, that in case there happen any sedition or gathering together of armed force without the orders of the Council, consisting of the forementioned number, the whole country shall look upon the authors and assisters thereof as rebels, and as such shall pursue them, in order to have them punished according to the laws of the kingdom, that so neither the King nor the Queen may be at any trouble in sending foreign soldiers hither, for enforcing obedience to themselves.

X. “ It is agreed and concluded, that there shall be a general peace and reconciliation among all the Nobility and other subjects of Scotland, and it shall not be lawful for those persons who have been called the Congregation, nor for those who were *not* of the Congregation, to reproach each other with any thing that has been done since the aforesaid 6th day of March.

XI. “ The Lords Deputies have offered,³ agreed, and concluded, that neither the King nor Queen shall prosecute nor take revenge for any thing that is now past and gone, nor shall not allow their French subjects to prosecute nor revenge the same, but shall forget the same as if it had never been done ; and that the Lords and gentlemen of Scotland shall comport themselves after the same manner for such things as have passed between them and the Frenchmen in this country ; moreover, if, by false reports or by other means, their Majesties have conceived sinister thoughts of any of

¹ Was not this too great a trust ? Or might not the Sovereign have had a joint privilege with the States ? But the States wanted to have themselves and their friends only indemnified.

² *Comme il appartient, ou pourront intervenir tous ceulx qui ont accoustumé de s'y trouver.*

³ The reader will here observe an alteration in the stile of this Article. The other Articles proceed upon a petition, whereas this is a free offering by the Lords Deputies.

their subjects, they shall forget and change the same ; neither shall they denude or deprive any of their subjects of their offices, benefices, or estates, which they held formerly within this kingdom, upon account of their having had any meddling in the things which have fallen out since the 6th day of March foresaid, nor yet assume a pretext or colour from any thing else, to deal so by their subjects, but esteem and treat them in all time coming as good and obedient subjects ; provided also, that the saids Nobles and the rest of the subjects render unto their Majesties such an entire obedience as is due from faithful and natural subjects to their proper Sovereigns.

XII. “ It is agreed and concluded, that it shall not be lawful for the Nobles, nor any other persons, to convene together in arms, except in such cases as are approved by the laws and customs of the land ; nor yet to invite and bring in foreign soldiers, nor to enterprize any thing against the authority of the Queen, the Council, or any inferior magistrates, under the pains of rebellion and other penalties contained in the laws of the country. And if it happen that any persons whatsoever should pretend that they had occasion given them to complain of injuries, and to take up arms, in that case it shall be free to them to present a supplication to their Majesties, but not until they have first communicated the same to the Council within the kingdom. And all, in general, shall bind themselves to perform this and all other things which belong to good and loyal subjects for the peace and tranquility of the country, under the pains foresaid, and to do every thing that lyes in their power for the preservation of the kingdom and the rights of their Sovereign.

XIII. “ It is agreed and concluded, that if any Bishops, Abbots, or other ecclesiastical persons, shall make complaint that they have received any harm either in their persons or goods, these complaints shall be taken into consideration by the Estates in Parliament, and such reparation shall be appointed as to the saids Estates shall appear to be reasonable. And in the meantime, it shall not be lawful for any person to give them any disturbance in the enjoyment of their goods, nor to do them any wrong, injury, or violence. And whosoever shall act in contravention to this Article shall be

pursued by the Nobility as a disturber of the publick weal and tranquillity.

XIV. "It is agreed and concluded, that the Nobility shall bind and oblige themselves to observe, and to cause be observed, all the several points and articles comprehended in and granted by this Treaty. And if it should so happen that any one among them, or any other person or persons, shall contravene the same, in that case all the rest of the Nobility and people shall become enemies to them, and shall pursue them until they be punished according to their deserving.

XV. "And to the end the whole kingdom may perceive that the King and Queen are willing to retain no remembrance of all the bypast troubles and differences, and how desirous they are to treat in a favourable manner the Nobility and the other subjects of this kingdom, the Lords Deputies have agreed that the Duke of Chastelherault, the Earl of Arran his son, and all other Scottish gentlemen, shall be reinstated in the lands, goods, estates, and benefices which they formerly held within the kingdom of France, and possess and enjoy them after the same manner as they did before the commencement of the troubles on the 6th day of March 1558, and as if those troubles had never fallen out. And likewise it is agreed that all the capitulations made in times past, shall be maintained and observed as well by their Majesties as by the Nobility and people of Scotland, and in particular that which was made and agreed at the marriage of the King and Queen. And the Lord David,¹ son to the Duke of Chastelherault, who is now (prisoner) in the castle of Bois de Vincennes, shall be set at liberty to return into Scotland, or to dispose of himself at his own pleasure.

XVI. "And whereas the Lords Deputies have signified that the King may have use for his artillery in France, it is advised and concluded that no other artillery shall be transported out of Scotland than what was sent thither since the death of the late King Francis, and that all other pieces, but especially those which are marked with the arms of Scotland, shall be restored to the places from whence they were taken ; and for the distinguishing of these several pieces of

¹ [Third son of the Duke. He died without issue.—E]

artillery, four Commissioners shall be appointed before the embarkation of the troops, viz. two Scottish and two French gentlemen.

XVII. “Whereas on the part of the Nobles and people of Scotland there have been presented certain Articles concerning religion, and certain other points in which the Lords Deputies would by no means meddle, as being of such importance that they judged them proper to be remitted to the King and Queen; therefore, the saids Nobles of Scotland have engaged, that in the ensuing Convention of Estates some persons of quality shall be chosen for to repair to their Majesties, and remonstrate to them the state of their affairs, particularly those last mentioned, and such others as could not be decided by the Lords Deputies, and to understand their intention and pleasure concerning what remonstrances shall be made to them on the part of this kingdom of Scotland; and those gentlemen shall carry along with them to the King and Queen the confirmation and ratification made by the Estates of the several Articles which are presently granted by the Lords Deputies, at which time they shall get delivered to them the confirmation and ratification done by their Majesties, and even sooner, if the Estates shall transmit their own ratification before that time. In witness whereof, the saids Lords Deputies have signed these present Articles at Edinburgh, the 6th day of July 1560.”

FOLLOWS A COPY OF THE KING AND QUEEN'S COMMISSION TO
THE DEPUTIES.

“Francis and Mary, by the grace of God, King and Queen of France and Scotland, to all who shall see these present letters, greeting: The thing which we have above all others desired since the death of our most honoured lord and father the King lately deceased, whom God absolve, has been to preserve that peace, amity, and confederacy established in his lifetime with our neighbouring Christian Princes, especially with our most dear and well-beloved sister and cousin the Queen of England, by the best offices of friendship that lay in our power, as every one may perceive and know, by the sincerity of our actions, and our gracious deportment towards each of the said Princes. But whereas

the rebellion of some of our subjects of the kingdom of Scotland has been the occasion, that upon the frontiers of the said kingdom, and those of England, there has been some gathering together of soldiers from both kingdoms, which may have interrupted in some sort our common amity : For the re-establishment whereof, and to pacify the differences which upon this occasion may have intervened, we, having received information that our said sister is willing to depute some persons to repair thither on her part, do hereby publish and declare, that being desirous above all other things to see Christendom in repose, and to continue that peace which God hath been pleased to bestow upon us, to his honour and the repose of his people, a thing which has been also very dear to us : And having perfect and entire confidence in our trusty and beloved John de Montluc, Bishop of Valence, and Nicolas de Pelue, Bishop of Amiens, both members of our Privy-Council ; James de la Brosse, Sieur de la Brosse, Knight of our Orders, and Chamberlain in Ordinary ; Henry Clentin, Sieur d'Oysel, Gentleman of our Bedchamber, and our Lieutenant-General in the kingdom of Scotland ; and Charles de la Rochefoucault, Sieur du Randan, a captain of fifty men of our Gens d'Armes ; and we, being well satisfied of their good understanding, virtues, loyalty, experience, and conduct ; for these, and other considerations us moving, have given commissions to them, or any three or two of them in absence of the rest, or during their necessary avocation elsewhere ; and by these presents do give commission, order, and appointment to the saids persons, or any three or two of them, to transport themselves to the frontier of our said kingdom of Scotland, and to meet and assemble with the Deputies of our said sister the Queen of England, at such time, and in such place, together with such other circumstances as depend thereupon, and as shall be agreed upon by their common and mutual consent, and then and there to treat concerning the renewing of our foresaid mutual amity, and to devise such means as may serve to compose and make up the differences which may have brought an alteration therein, according as they shall perceive the same to be for the behoof of our service, the peace and tranquillity of our kingdoms, territories, and

subjects: And in like manner, to give assurance to our subjects of the kingdom of Scotland, that notwithstanding they have of late committed so grievous a crime as to forget their duty towards us, if nevertheless they shall repent, and return to that obedience which they owe to us, we are willing to receive them into favour, and to forget all that is past, and not afterwards to make any inquiry into their former behaviour, because we are desirous of nothing more than to see them living under obedience to us, and in peace, union, and tranquillity together: And generally to do in the premisses, the circumstances and dependences thereof, all and sundry things which we ourselves would or could do if we were personally present, even although something should fall out which might appear to require a more special instruction¹ than is contained in these presents. By which likewise, we promise in good faith, and in the word of a King and Queen, to hold agreeable, firm, and stable, all and every thing that shall be agreed, done, and concluded by our foresaid Deputies, or any three or two in absence of the rest; and to maintain, keep, observe, approve, and ratify the same, within the time, and after the manner, as they shall agree to; and that we shall never act in the contrary thereof any manner of way, for such is our will and pleasure. In witness whereof we have signed these presents with our proper hands, and have caused our seal to be appended. Given at Remorentin the 2d day of June, in the year of grace 1560, and of our Reigns the first and sixteenth.²

Signed “FRANCIS. MARY.”

And in the folding—“By the KING and QUEEN. De l'Aubespine.”

Sealed with yellow wax. Signed thus—“MONLUC, *E.³ de Valence*. RANDAN.”

“And we subscribers in our own names, and in the names of the rest of the Nobility of Scotland, do promise and shall bind ourselves to the within contents.”

¹ *Jacoyt qu'il y eust chose qui request mandement plus special qu'il n'est contenu en ces presents.*

² This is an error; for the Queen was now in the eighteenth year of her age and reign.

³ [*Episcopus*, or Bishop.—E.]

Then follows in English—"This is the trew Copy of the Originall conferred and colationed.

"JAMES STEWART. RUTHVEN. W. MAITLAND."¹

By the above Accord, the readers will easily observe that the subjects of Scotland had procured every thing relating to their own security, to be ingrossed in the strongest terms. If the same care has been taken to bind them to their obligations, I shall leave to the judgment of others. Two days after the close was put to the Treaty, viz. on the 8th day of July, the Articles were publicly proclaimed at Edinburgh²; and on the 16th of the same month, the French army put to sea in English bottoms, and the English army departed towards Berwick, having taken care, as they went along, that the fort lately begun to be built before the Castle of Dunbar should be demolished. Most part of our Scottish Nobility who were of that interest gave them the convoy for some miles; but the Prior of St Andrews carried the compliment farther, and accompanied them to Berwick, in acknowledgment of the good services they had done his country. On the third day after their departure, at the exhortation of the preachers, a solemn thanksgiving³ to God was kept in the High church of Edinburgh, for the mercies which he had lately bestowed upon them; and soon after, by the same advice, the preachers were distributed among the principal burghs of the kingdom. John Knox was appointed to serve at Edinburgh, Christopher Goodman⁴ at

¹ These three signatures are in the proper hand-writing of the subscribers, the first of whom is the Earl of Moray.—*Note*, On the back of this paper is again written by Secretary Cecil what follows, viz.—3. *Julii* 1560, *Articles of Accord inter Regem et Reginam Francie et Scotie, ac Nob. et populum Scotie*.

² The preamble of the Proclamation the readers may see set down by Mr Knox.—[History of the Reformation of Religion in Scotland. Edin. folio edition, 1732, p. 234.—E.]

³ The form of this thanksgiving may likewise be seen in Mr Knox.—[History, folio, 1732, p. 235, 236.—E.]

⁴ This Goodman, or Gudman, was an Englishman, formerly a publick reader of Divinity at Oxford, one of those Protestants that fled away under the reign of Queen Mary, and that fixed their residence at Geneva; in which city, in the year 1558, he published a little tract against his Sovereign under this title—"How superior powers ought to be obeyed of their subjects, and wherein they may lawfully be disobeyed and rejected: Wherein also is declared the cause of all this present misery in England,

St Andrews, Adam Heriot at Aberdeen, John Row at Perth, Paul Methven at Jedburgh, William Christison at Dundee,

and the only way to remedy the same." In this book he bitterly inveighs against those Protestants that set up Mary for their Queen—1. Because she was a woman. 2. Because the government of a woman the law forbade, nature abhorred, and the word of God ever declared to be a sign of his wrath for the sins of his people. 3. Because she was an idolatress and a wicked woman. 4. Because she was a woman begotten in adultery. To instigate the people further, he added, That if without fear, Princes transgressed God's law themselves, and commanded others to do the like, then they had lost that honour and obedience which otherwise their subjects did owe unto them, and ought no more to be taken for Magistrates, but punished as private transgressors. However, it seems change of times and persons had force likewise to change Mr Goodman's opinions, since, after his return into England in the reign of Queen Elizabeth, he thought fit to make the following retractation before the Lords of the Council, or the Bishops of the Ecclesiastical Commission—"Forsomuch as the extremity of the time wherein I did write my book brought forth alteration of religion, setting up of idolatry, banishment of good men, murdering of saints, and violation of all promises made to the godly, I was, upon consideration of the present grief, moved to write many things therein, which may be, and be offensively taken, and which also I do mislike, and would wish had not been written. And notwithstanding the which book so by me written, I do protest and confess, that good and godly women may lawfully govern whole realms and nations, and do from the bottom of my heart allow the Queen's Majesty's most lawful Government, and daily pray for the long continuance of the same. Neither did I ever mean to affirm that any person or persons, of their own private authority, ought or might lawfully have punished Queen Mary with death; nor that the people, of their own authority, may lawfully punish their Magistrates transgressing the Lord's precepts; nor that ordinarily God is become Head of the people, and giveth the sword into their hands, though they do seek the accomplishment of the laws: Wherefore, as many of these assertions as may be rightly collected out of my said book, them I do utterly renounce and revoke, as none of mine, promising never to write, teach, nor preach any such offensive doctrine; humbly desiring that it may please your Lordships to give me your good and favourable allowance, whereby I shall, by God's grace, endeavour to labour in furthering the true service of God, and obedience to her Majesty, to the utmost of my power, during my whole life, to the satisfaction of all good men, and to the contentation of her Majesty and your good Lordships." *Strype's Annals*. Thus it will be seen that this Christopher Goodman has been one of the same spirit with our Mr Knox, when we come to give an account of him and his writings. But it seems, though Goodman made this recantation, yet Queen Elizabeth and her Council have not thought it expedient to give him encouragement at home, which very probably hath been the occasion of his wandering into our country. It were to be wished our men at the helm had equally discountenanced such fire-brands. However, after a great many years, he returned into England, but whether he was in office there or no I know not.—[See *Strype's Annals*, folio, 1725, vol. ii. p. 95, 96. Oxford edit. 8vo, 1824, vol. ii. Part I. p. 140, 141, 142. *Strype* says that Goodman

David Fergusson at Dunfermline, and David Lindsay at Leith. They did likewise nominate the following persons for Superintendants, viz. Mr John Spottiswood for the district of Lothian; Mr John Willocks for that of Glasgow; Mr John Winram, Sub-Prior of St Andrews, for Fife; John Erskine of Dun for Angus and Mearns; and Mr John Carswell for Argyll and The Isles; under this restriction, says Mr Knox—"Unless the several countries could in the mean time find out men more able and sufficient, or else shew such causes as might disable them from that dignity." And he tells us, that all the above appointments were made by the Commissioners of Burrows, with some of the Nobility and Barons.¹

The meeting of the Parliament having been fixed to the 10th of July, Mr Knox informs us "that due advertisement was made by the Council to all such as by law and ancient custom had or might claim to have title therein;" and he observes that "the Assembly was great." Archbishop Spottiswood gives a general hint of the members, but I make no doubt the readers will be the better pleased to see a complete list of this meeting, that the same has never hitherto been made publick, it is as follows:—

"THE NAMES OF THE LL.² AND BURGESSES OF THE PARLEMENT³ HELD IN SCOTLAND IN AUGUST.⁴

"THE NAMES OF THE ERLLS, LORDIS, CLERGYE, AND VTHIRIS OF THE STATES THAT WER AT THE LAST PARLAMENT.

"James Duke off Chastellerault, James Erle of Arrane,

was in Cheshire in 1584, where he was noted as a "refuser of subscription to the Articles, and a dissuader of others thereto." Archbishop Whitgift sent a complaint against him to Lord Burleigh, the Lord High Treasurer.—E.]

¹ Mr Knox, in his account of the manner of electing the Superintendant of Lothian, acquaints us, "how that the minister declared to the people, That the Lords of Secret Council had given charge and power to the churches of Lothian to chuse Mr John Spottiswood Superintendant." One would think, that if this charge and power, and nomination of the particular person for this dignity, was given and made at that time by the Lords of Council, there might be little ground to complain of the same power when lodged in a lawful King.

² [The letters LL mean the Lords or Nobility.—E.]

³ [On the 1st of August. The list of the "persons present in this Parliament," given by Bishop Keith, corresponds with that from the same MS. Bibl. Cottoniana, inserted in Acta Parl. Scot. vol. ii. p. 525.—E.]

⁴ Cotton Library, Calig. Book 9, fol. 144. This title is Cecil's hand.

Archybald Erle off Ergyle, Jhon Erle off Athole, Williame Erle Marschal, David Erle Crawford, James Erle Mortoun, Alexander Erle off Glencairne, Andro Erle off Rothes, Hew Erle off Eglintoun, Gilbert Erle off Cassillis, Jhon Erle off Sutherland, George Erle off Caithness, Jhon Erle off Monteith, Jhon Archbischof Sanctandr. Comendatare off Paslay, Robert Bischof off Dunkeld, William Bischof off Dunblane, James Bischof off Ergyl, Alexander Archibischof off Athenis, Elect of Galloway and Commendatare off Incheffray, Jhon Elect off the Ilis, Commendatare off Ycolmkyll and Archattane.¹

“ George Lord Gordoun, Jhon Lord Erskyn, Patrik Lord Ruthven, Alexander Lord Home, Jhon Lord Lyndesay off the Byris, Williame Lord Hay off Zestir, James Lord Somerville, Williame Lord Levingstoun, Andro Lord Stewart off Ouchiltre, Alexander Lord Saltoun, Robert Lord Boyd, Robert Lord Elphinstoun, Jhon Lord Innermeith, Patrik Lord Gray, James Lord Ogylvie, Jhon Lord Glamis, Jhon Lord Borthuik, Allane Lord Cathcart, James Lord Sanct Johnis.²

¹ [Most of the above personages are repeatedly mentioned by our Historian, such as the Duke of Chatelherault and his illegitimate brother, Archbishop Hamilton of St Andrews. The others were James third Earl of Arran, eldest son of the Duke, and uncle of the first Marquis of Hamilton, who succeeded him; Archibald fifth Earl of Argyll; John fourth Earl of Atholl; William fourth Earl Marischal; David ninth Earl of Crawford, who married the daughter of Cardinal Beaton; James fourth Earl of Morton, afterwards the celebrated Regent; Alexander fifth Earl of Glencairn; Andrew fourth Earl of Rothes; Hugh third Earl of Eglinton; Gilbert fourth Earl of Cassillis; John tenth Earl of Sutherland; George fourth Earl of Caithness, of the Sinclair Family; John, called William in the Peerage, fifth Earl of Menteith, though his son John sixth Earl, served heir to his father in 1587, may be here indicated; Robert Crichton, Bishop of Dunkeld; William Chisholm, Bishop of Dunblane, uncle of his coadjutor in that Diocese, also called William Chisholm; James Hamilton, brother of Archbishop Hamilton of St Andrews, nominated to the See of Argyll in 1558, but never consecrated; Alexander Gordon, Titular Archbishop of Athens, and Bishop of Galloway; John Campbell, nominated Bishop of The Isles in 1558, but also never consecrated.—E.]

² [The personages in this part of the Roll were—George Lord Gordon, afterwards fifth Earl of Huntly; John fifth Lord Erskine, but properly sixth Earl of Marr, of the name of Erskine; Patrick third Lord Ruthven, father of the first Earl of Gowrie; Alexander fifth Lord Home, father of the first Earl of Home; John fifth Lord Lindsay of the Byres, ancestor of the Earls of Crawford and Lindsay; William fifth Lord Hay of Yester, ancestor of the Earls and Marquises of Tweeddale; James sixth Lord

“James Commendatare off the Priorie off Sanctandros and Pettinweme, Jhon Commendatare off Abirbrothok, Robert Commendatare off Halyrud-hows, Jhon Commendatare off Coldinghame, Jhon Abbot off Lundoris, Donald Abbot off Couper, Andro Commendatare off Jedburgh and Restennot, Marke Commendatare off Newbottle, Adam Commendatare off Dundrannen, Jhon Abbot off Newabbay, ——— Commendatare off Dryburgh and Inchmahome, ——— Postulat off Cambuskynneth, James Commendatare off Sanct Colmis Inche, William Commendatare off Culross, Walter Abbot off Kinloss, Gawine Commendatare off Kilwynnyng, Nichol Abbot off Ferne, Robert Commendatare off Deir, Jhon Priour off Portmoak, Robert Commendatare off Sanct Marie Isle, Robert Minister¹ of Faulfurde.²

Somerville ; William sixth Lord Livingstone, father of the first Earl of Linlithgow ; Andrew second Lord Stewart of Ochiltree, whose younger daughter became the second wife of John Knox, by whom she had three daughters ; Alexander sixth Lord Saltoun, or properly Lord Abernethy of Saltoun ; Robert fourth Lord Boyd, ancestor of the Earls of Kilmarnock ; Robert fourth Lord Elphinstone ; John fourth Lord Innermeath, of the Family of Stewart, Earls of Atholl ; Patrick who was designated the fifth Lord Gray, and was father of the sixth Lord ; James sixth Lord Ogilvie of Airlie, ancestor of the Earls of Airlie ; John eighth Lord Glamis, father of the first Earl of Kinghorn, and ancestor of the Earls of Strathmore and Kinghorn, also the correspondent of Beza on ecclesiastical polity ; John fifth Lord Borthwick ; Allan fourth Lord Cathcart, ancestor of the Earls Cathcart in the Peerage of Great Britain. And James Lord St John, was Sir James Sandilands of Calder, styled Lord St John of Jerusalem, as Preceptor of that Order in Scotland, created Lord Torphichen in 1563.—E.]

¹ The same with Provost or Preceptor, or such term that denotes the head of a certain religious fraternity. He was what they then called a mitred Prelate, and had the privilege of sitting in Parliament.

² [Of the “Commendators” enumerated, it is more difficult to give an account. James, the first mentioned as Commendator of the Priory of St Andrews and of the Priory of Pittenweem, was afterwards the celebrated Regent Moray. The Commendator of Aberbrothwick, or Arbroath, was Lord John Hamilton, the second son of the Duke of Chatelherault, and created Marquis of Hamilton at Holyroodhouse in 1559. He of Holyrood at Edinburgh was Robert Stuart, afterwards Titular Bishop of Caithness and Earl of Orkney, by Euphemia, second daughter of Alexander first Lord Elphinstone. The Prior or Commendator of Coldingham was John Stuart, afterwards, by marrying the heiress, Earl of Bothwell, also an illegitimate son of James V., by Elizabeth, daughter of Sir John Carmichael, whose other child by the King married the Earl of Argyll. The Commendator of Lindores was probably Patrick Leslie, second son of Andrew fourth Earl of Rothes, who was the ancestor of the Lords Lindores and

“The Commissaries of Burrois, viz. Edinburgh, Striveling, Perth, Abirdene, Dundee, Air, Irweine, Haddington, Lynlythgow, Glasgow, Peblis, Jedburgh, Selkirk, Coupar, Kingorne, Banff, Forfar, Inverness, Montross, Kirkcudbright, Wigtown, Innerkething.

“Williame Maister Merscheal; John Maister off Maxwell off Terriglis, Knycht; Patrik Maister Lindesay, Henry Maister Sinclare, Williame Maister off Glencarne, Hew Maister Somerville, James Dowglas off Drumlangrig, Knycht, John Gordoun off Lochinver, Alexander Stuart off Garleiss, John Wallace off Cragye, Williame Cuninghame off Cuninghameheid, John Cuninghame off Caprintoun, John Mure off Rowallane, Patrik Howstoun off that Ilk, George Buquhannane of that Ilk, Robert Menteith off Kerse, James Striveling off Keir, William Murray off Tullibardin, Andro Murray off Balwarde, John Wiseheart off Pitarro, Williame Douglas of Lochleven, Colin Campbel off Glenurquhard, Williame Sinclare off Rosling, John Creichtoun off Strathurde, Alexander Irweine off Drum, ——— Allerdess off that Ilk, Alexander Fraser off Philorth, Williame Innes off that Ilk, ——— Sutherland off Duffus, John Grant of Freuchy, Robert Monro off Fowles, George Ogylvie off Dunlugus, David Ogylvie off that Ilk, John Ogylvie off Innerquharite, ——— Ogylvie off Cloway, ——— Ouchterlony off Kelly, John Straithachin (Strachan) off Thorntoun, Andro Straton off Lawrestoun, John Creichtoun off Ruthvennis, Thomas Blair off Baltheok, ——— Ogylvie off Inchemertyn, Thomas Mawle off Panmure, Archibald Douglas off Glenbarvy, Thomas Fottringhame off Powrie, Robert Grahame off Morphy, Robert Stewart off Rossyth, Walter Lundy of that Ilk, ——— Myretoun off Cammo, Arthure Forbes off Reres, Andro Wod off Largo, John Kynneir off that Ilk—(the

Newark, and who married Lady Jane Stuart, second daughter of Robert Stuart, illegitimate son of James V. previously mentioned; Donald, Abbot of Coupar-Angus, was the fourth son of Archibald Earl of Argyll, and was elected Bishop of Brechin in 1558, but was never consecrated. He died in 1562, in the office of Lord Privy Seal to Queen Mary. Of the others, the Commendators of Jedburgh and Newbattle were connected with the Noble Family of Kerr, Marquises of Lothian. The Prior of Portmoak was John Winram, Sub-Prior of St Andrews, and one of the newly constituted “Superintendants.”—E.]

MS. adds here, Robert Logan off Restalrig, George Didd¹ off that Ilk), John Edmestone off that Ilk, zounger, Gilbert Wauchop off Niddrie-Mercheal, George Home off Spot, ——— Hamiltoun of Innerweik, David Home off Wedderburne, ——— Nisbet of that Ilk, John Swintoun of that Ilk, William Hamiltoun off Sanchar, George Crawford off Leffures, James Cockburne off Scraling, ——— Twedy off Drumelzear, Hew Wallace off Cernel, Robert Lyndesay off Dunrod, Robert Maxwel off Calderwood, Patrik Lermouth of Dersy—(MS. adds here, George Lermouth off Balcomy),² John Carmichael off that Ilk, Jhon Carmichael off Meadowflat, George Haliburton off Petcur, James Haring off Glasclune, ——— Stewart off Grantuly, John Stewart off Arnully, James Meinzeis off that Ilk, Jhon Forrel off that Ilk, Maister Alexander Levingstoun off Donipace, Jhon Creichton Tutor of Sanchar, Jhon Cuninghame off Drumquhassill, David Hamiltoun off Fingaltoun, Henry Wardlaw off Torry, ——— Ramsay off Banff, James Heriot off Trabron, Walter Ker off Cesfurde, John Ker off Pharnihurst, Jhon Jhonstoun of that Ilk, Williame Dowglas off Quhittinghame, Neil Montgomery off Langschaw, Patrik Montgomery off Giffine, ——— Montgomery of Hesilheid, Williame Cranstoun of that Ilk, Thomas Macdowal off Makcarston, Jhon Home off Coldingknowis, Patrik Hepburne off Wauchtoun, James Forestar off Corstorphin, Jhon Sandelandis off Calder, Williame Lauder of Haltoun, Jhon Cockburne off Ormestoun, George Brown off Colstoun, James Sandelandis off Cruvy, ——— Baillie off Lamyngtoun, Sir James Hamiltoun off Crawford, Jhon Knyght, ——— Arbuthnot off that Ilk.

“With mony vtheris baronis, fre haldaris, and landit men, but (i. e. without) all armour.”

Here is indeed a very large catalogue of members, and the genuineness of it is supported by a manuscript at home, which I shall have occasion, in a very short space, to mention. It is true, the Accord allows (Number IX.) “That it shall be lawful for all those to be present in the Parlia-

¹ [*George Dundas* of that Ilk, viz. of Dundas, near Queensferry, in Linlithgowshire. Acta Parl. Scot. folio, vol. ii. p. 526.—E.]

² [The MS. referred to is correct. The name of Learmonth of Balcomie is in the List. Acta Parl. Scot. vol. ii. p. 526.—E.]

ment, who are in use to be present." That the lesser Barons had a privilege to sit in Parliament, and that they were afterwards restricted to one or two elected in a county, and that last of all, none of them sate in Parliament but by a special writ, is a matter of no dispute; but that any remarkable number of them were in use to repair to the Parliaments (the reign of King James III. excepted) I appeal to the several rolls preceding this juncture.¹ The first registered rolls or list of members in Parliament, to be met with, is in the year 1467, under the reign of James III.²; and in these and other succeeding rolls in that reign (for every Parliament has not registered rolls), there are always some of the lesser Barons present, but as I could observe, never so many as thirty, and oft times not near that number. In the first Parliaments of King James IV. there are still some of the lesser Barons, twelve at highest, but afterwards no members of that rank are at all to be seen in the rolls, though after that period the rolls are carefully put in the Record. In the reign of King James V. next to none of the lesser Barons are seen, two or three only, once or twice; and during the preceding part of the reign of Queen Mary, as few of that rank, until the time we are now treating of.

¹ ["The first great change made on the constitution of Parliament was in 1457, three years after the return of James I. from captivity, when an Act was passed (*Acta Parl. Scot. folio*, vol. ii. p. 15) relieving the lesser barons and freeholders of the burden of attending in Parliament, on condition of their sending only one or two wise men from each shire, according to its size, except the two shires of Clackmannan and Kinross, which being very small, were only to send each of them one commissioner. About the same period the King appears to have commenced to exercise the power of creating Lords of Parliament, who had a right to sit independently of any other title. See Wight's Inquiry, p. 55; but Mr Wallace, in his "Thoughts on the Origin of Feudal Tenures and Descent of Ancient Peerages in Scotland," assigns the year 1587 as the time when the practice of creating Lords of Parliament commenced. Neither the Acts of 1427 or 1587 prescribed the maximum number of commissioners that might be sent from counties, with the exception of Clackmannan and Kinross; but as the other proprietors of lands had to bear the expence of their commissioners, it is believed that none of the counties sent more than two commissioners." *Abridgement of the Acts of the Parliament of Scotland*, by William Alexander, W. S. Edinburgh, 8vo, 1841. Introduction, p. ix. x. xi.—E.]

² [This was the Parliament held at Stirling on the 12th of January 1467; but though no lists are preserved of those who attended previous Parliaments, the names of individuals often occur in the Acts.—E.]

So that here is a space of no less than seventy-seven years, in which scarcely had *one* of the inferior gentry appeared in Parliament. And therefore I know not but it may be deemed somewhat unusual for a hundred of them to jump all at once into the Parliament, especially in such a juncture as the present was ; and that to the King and Queen such an unprecedented gathering of the lieges together, contrary to all *use* and *wont*, as well as to indifferent persons, might appear rather to be an insulting of their Majesties, than a decent behaviour from subjects newly reconciled to their Sovereigns. The docquet also annexed to the list in the Cotton Library by Mr Cecil's correspondent in Scotland ("with mony vtheris Baronis, Frehaldaris, and landit men, but all armour"), is a plain indication that the faction have made it their business to convene their friends and adherents from all parts of the kingdom, in order to terrify their Sovereigns with the sight of such a splendid appearance, and thereby to force out of their hands a ratification of all the Acts voted by them in that numerous assenbly ; and though it might be true that that great convention of gentlemen was *without all armour*, yet their arms and armour too might be near enough, though not by their sides and on their bodies ; and they, together with their dependents, could trample upon the rights of the Queen at their own will and pleasure.

During the adjournment of the Parliament, from the 10th of July to the 1st day of August, it is provided, Number IV., "That the Lords Deputies shall order a dispatch to the King and Queen, to advertise them of their having conceded to the sitting of a Parliament, and to supplicate their Majesties most humbly, that they would be pleased to agree to that which they have herein accorded." That the Plenipotentiaries for the King and Queen have done their part of this stipulation, we can make no doubt, but that the King and Queen did return a satisfactory answer to this dispatch we have no ground to think. So far on the contrary, that Archbishop Spottiswood tells that "in the beginning of the Parliament (i. e. after the 1st day of August), there was great altercation, divers holding that no Parliament could be kept, seeing their Sovereigns had sent no commission, nor authorised any to represent their persons ; others (alledging that Article of the Peace, whereby it was agreed

that a Parliament should be kept in the month of August, and that the same should be as lawful in all respects, as if it were ordained by the express commandments of their Majesties) maintained that the said Article was a warrant sufficient for their present meeting; and this opinion by voices prevailed."

But that the Treaty of Accord could afford no legal ground for continuing the Parliament, would appear evident, in that the Plenipotentiaries for their Majesties had carefully stipulated that the Parliament should be prorogued immediately after its down-sitting, for the space of three weeks, viz. from the 10th of July to the 1st of August, on purpose that, in the mean time, the King and Queen might be advertised of the Pacification, and might confirm and ratify the same, that part especially which respected the holding of a Parliament, if the stipulations therein contained were found to be agreeable to their Majesties. But so it is, their Majesties never did ratify the Pacification in form, and therefore the Parliament, upon the bare foundation of the Pacification, could not, in law, be kept. However, as it always falls out in things of this nature, a vote was demanded; and by a majority of voices, the meeting was concluded to be lawful. It is nevertheless very observable, that notwithstanding this majority of voices, the royal ensigns of the kingdom, viz. the Crown, Sword, and Sceptre, were omitted to be carried into the Parliament, according to use, upon such occasions.¹ After a full week had been spent in the debate concerning the legality of the meeting, the first thing which of course came to be treated, was the election of the Lords of Articles.² And as it is the privi-

¹ [Mr Tytler shews in his History, vol. vi. p. 177, that Bishop Keith is in error when he asserts that the Regalia of the kingdom were omitted to be carried into the Parliament. "The Crown, the Mace, and the Sword, were laid upon the seat or throne usually occupied by the Queen, and Maitland, who possessed great influence with the Congregation, being chosen Speaker—the term then used was *harangue-maker*—opened the proceedings in an oration, of which Randolph has given us the principal heads." Mr Tytler refers to MS. Letter, State-Paper Office, Randolph to Cecil, 9th and 10th August 1560.—E.]

² These Lords of Articles are a sort of Committee of Parliament, before whom it behoved all Articles or Bills first to be presented and approved, before that they could be brought into full Parliament. I observe, for 300 years backward, that they have consisted of an uncertain number of

lege of the Nobility to elect a certain number of the clergy to serve in that quality, the Noblemen made choice only of

members, not under three of the Clergy, three of the Barons, and three of the Burrows. But sometimes there have been about sixteen Prelates and as many Barons, though the Burrows have not been commonly so numerous, by reason, I suppose, that there was seldom any large number of those members out of which to make an election. What was the regular manner of electing the Articles I cannot positively ascertain, though it is probable they were elected by the Estates convened in Parliament, which I see once to be marked during the period of years before assigned. But in later times we have more certainty, for in the Parliament 1633, in which King Charles I. was present in person, I perceive that the Clergy elected eight of the Nobility, the Nobility eight of the Clergy, and these two Estates jointly elected eight Knights of Shires, and eight Commissioners of Burghs, in all thirty-two, who then composed the Committee of Articles, together with the Officers of State ; and very probably the same method has been, for the bulk, in use at the time we are now concerned about, since we are told that the Nobility did then make election of those of the Clergy who were to sit upon the Articles.

[The Committee termed the *Lords of the Articles* was a curious peculiarity connected with the Parliaments of Scotland before the Revolution. Our historians differ widely in their representations of the mode of election of this Committee, and of its effects on the freedom of Parliament. Dr Robertson, *History of Scotland*, first edition, 4to, 1759, vol. i. Book I. p. 69, 70, states—"It was their business to prepare and to digest all matters which were to be laid before Parliament. There was rarely any business introduced into Parliament but what had passed through the channel of this Committee ; every motion for a new law was first made there, and approved or rejected by the members of it. What they approved was formed into a bill, and presented to Parliament ; and it seems probable that what they rejected could not be introduced into the House. The Lords of Articles, then, not only directed all the proceedings of Parliament, but possessed a negative before debate. That Committee was chosen and constituted in such a manner, as to put this valuable privilege entirely in the King's hands. It is extremely probable that our Kings once had the sole right of nominating the Lords of the Articles. They came afterwards to be elected by the Parliament, and consisted of an equal number out of each Estate, and most commonly of eight temporal and eight spiritual Lords, of eight representatives of boroughs, and of the eight Great Officers of the Crown." Dr Gilbert Stuart, on the other hand, in his "*Observations concerning the Public Law and Constitutions of Scotland*," p. 348, 349, &c., maintains a different theory. He quotes the Preface to the Acts of James I. at the Parliament of Perth in May 1424, and adds—"Instead, then, of having been elected by the King, or by his dependants, the Lords of the Articles were chosen in Parliament. They were a Committee of the Three Estates, not the creatures of the prerogative, and they received Articles from the King, which they were to examine, and to prepare for the Parliament.—From the constitution of the Council of Articles, as illustrated by the Acts of James I. and James III., it is yet obvious that it was merely their intention to prepare business for Parliament. The subjects into which they were to inquire were submitted to

such of that denomination as they knew to be well affected to the new form of religion. This did not fail to be much complained of by the other Prelates, who likewise alledged that some of these upon whom the choice had fallen were mere laymen. But as Archbishop Spottiswood observes very well—"There was no remedy; it behoved *them* to take law *who* formerly had given it to others."

After this election was over, a Supplication came before them from the professors of the New Form, demanding, 1. That the doctrines of Transubstantiation, Justification by Works, Indulgence, Purgatory, Pilgrimage, and Invocation of Saints, be abolished by authority of Parliament. 2. That the profanation of the holy Sacraments be prevented, and the discipline of the ancient Church restored. 3. That the Pope's usurped authority may be abolished, and the patrimony of the Church employed to the sustentation of the ministry, the provision of schools, and support of the poor. Mr Knox sets down this paper at length, and then subjoins—"This our Supplication being read in audience of the whole Assembly, divers men were of divers judgments; for as some there were that uprightly favoured the cause of God,¹ so were there many that, for worldly respects, abhorred a perfect reformation —— and are unjust possessors of the patrimony of the Church."² And Mr Spottiswood says—

them, and the result of their deliberations was reported in full Parliament, and examined and voted there." Dr Stuart contends that the Lords of the Articles were not "instruments of tyranny, but a council for facilitating affairs," in the institution and election of whom "appear the marks of legality, and candour, and justice;" for "its overtures being debateable in Parliament, the deliberations and authority of the Three Estates were to overturn all improprieties in their behaviours and conduct." Dr Stuart alleges that the corruption of the Lords of the Articles did not appear till the seventeenth century. After the Revolution the Committee of the *Lords of the Articles* was, for obvious *political reasons*, declared a *grievance* by the Convention of Estates in 1689, as inconsistent with *their* notions of the freedom of Parliament, and finally suppressed in 1690.—(Erskine's Institutes, Book I. tit. iii. § 5).—E.]

¹ This manner of speaking is much used by a certain set of men to this day, to denote their own particular scheme, and nothing but *that* is either Gospel or Reformation, according to them.

² [The passage in Knox's History, according to the Edinburgh edition of 1732, p. 239, is—"So war thare maney that for warldly respects abhorred a perfyte reformation (for how many within Scotland that have the name of nobility are not unjust) possessors of the patrimony of the Kirk?"—E.]

“The last clause was not very pleasing to divers of the Nobility, who, though they liked well to have the Pope’s authority and doctrine condemned, had no will to quit the Church’s patrimony, whereof in that stirring time they had possessed themselves.” And so without taking any notice of the last part of the Supplication, the ministers were desired to draw into separate heads the sum of the doctrine which they wished to have established by law. This was immediately done, and in four days a Confession of Faith, so was it termed, was completed, and afterwards presented to the States, and read in their hearing.¹ And all the members were desired to make what objections they thought proper against it; but no body, they tell us, said the least thing in opposition to it. After this a diet was appointed for collecting the votes; and it is remarked, that only the Earl of Atholl and the Lords Somerville and Borthwick dissented. The Earl Marischal made a speech in favours of the Confession, and declared that to him the profound silence of the Prelates seemed to be an irrefragable testimony of its truth. Thus the Confession received the sanction of the States on the 17th day of August.² With respect to the Earl Marischal’s observation, perhaps it may even suffer a question, whether silence be always a sure token of assent; and as to the present affair, though the Prelates may not be applauded for their silence, yet it is not easy to see what good end any remonstrance from them could have served. For, allowing the Articles had contained doctrines quite opposite to the Catholick Faith, yet in an assembly where so great a number of the voices were before-hand engaged in favour of these Articles, as certainly in this convention they were, it was perhaps a more prudent conduct in the Prelates to hold their peace, and wait a fitter opportunity for their purpose; at least there is one sense in which we may suppose it was more adviseable for them to say nothing at that time, seeing this author assures us that *they durst say nothing in the contrare*; for though this expression might not be designed by him to be extended to its utmost import, yet it is even a

¹ Mr Knox has given a copy of this large Confession. And the same is likewise printed among the Acts of the Parliament in December 1567.

² [See the Editor’s volume entitled “The Episcopal Church of Scotland from the Reformation to the Revolution,” 8vo. Edin. 1844, p. 41-44.—E.]

question whether the Bishops, by speaking out their mind, might not have turned against themselves the engines of this world. The Duke of Chastelherault threatened with death his brother the Archbishop of St Andrews, if he attempted to speak a word at this time,¹ and no doubt the same intermination was made to other Prelates.

On the 23d day of August,² an Act was passed abolishing the Mass, in which Act the *former clergy* are declared to be nothing else but *usurped ministers*, and the *new preachers* to be the only persons that have power to administer the holy Sacraments;³ the sayers and hearers of Mass are for the first fault to suffer the confiscation of all their goods whatsoever, moveable and immoveable, and a corporal discretionary punishment besides; for the second fault, banishment out of the kingdom; and for the third, loss of life. Three punishments well enough calculated for compelling men to come in!

¹ See Appendix, Number XXV.

² [It appears from the Records that this and the other two Acts subsequently mentioned by Bishop Keith were passed *on the 24th of August*. Acta Parl. Scot. folio, vol. ii. p. 534, 535.—E.]

³ By this Act and the whole behaviour of our first Reformers, one cannot help thinking that they had no notion of a regular succession being necessary for the vocation of ordinary office-bearers in the Church of Christ. That the then Clergy had a regular and valid ordination no one can doubt, and how then can they be looked upon as *usurped ministers*? And *who* or *what* was it that made the new preachers to be the only persons that *have power* to administer the holy Sacraments? I suppose they will hardly say that the Parliament had authority to confer that *power*. If it was the *call* of the people, it seems to be unheard of till that time, that the people could consecrate and ordain any person to the sacred offices. Their consent and approbation is quite another thing. I am, therefore, inclined to think they will have recourse to a special immediate appointment and designation of such persons by Almighty God himself at that period; but with how many difficulties such an assertion may be attended, I need not offer to mention. Thus much at least seems to be certain, that such a divine appointment can have no weight with another man to receive those persons for his spiritual directors, unless he be equally convinced in his own soul of their extraordinary vocation. Besides, even supposing the divine vocation to be real, except that same extraordinary vocation be continued in the Church, what better right have the succeeding persons, ordained by the extraordinary missionaries, to administer the Sacraments, &c. than the established clergy at this time had, whose ordination into their spiritual office did unquestionably proceed from the divine mission of the Apostles? That Mr Knox and some others, who had regular ordination, did at that time undervalue their sacred orders, and act as preachers by a new *call*, and that others of the

On the 24th two other Acts were voted, one against the Pope's authority within this Realm ; the other rescinding all former Acts not agreeing with the *Confession of Faith* lately ratified and approved by the Estates.

These are the only three Acts which our historians have taken notice of in this Parliament, and when the readers are pleased to look back into the preceding Accord, Number XVI., I suppose they may be of the mind that this Assembly, even granting it had received authority from the King and Queen to sit and consult of other affairs, yet had no right allowed them to enter upon any matters touching the religion, since the treaty impowered the Parliament only to send a message to the King and Queen to lay before them the state of religion and some other particular matters. For this very reason, therefore, it is the less to be admired that the Prelates who sate in the meeting kept a deep silence in these points, at which they had no reason to touch. Perhaps a protestation against any meddling at all in these matters had been the most proper motion, but except we had been alive, and were acquainted with the tempers of these times, we may likewise say, that *perhaps* such a motion could not have been made with security to themselves, even though the members of the meeting were *but all armour*, and not in battle array.

Though our historians have mentioned no other Acts but these three, yet I am enabled from another quarter¹ to in-

preachers never had any ordination, but the new one, is certain. And it is equally certain, that many to this day have acted as office-bearers in the Church, merely by virtue of that new call. May it not therefore be reasonably doubted, whether such persons be really ministers of Jesus Christ, or no ? At least, may not other people, who lay some stress on the validity of regular ministrations, make scruple to receive from their hands the mysteries of the Covenant of Redemption ? Is not the plea of the Quakers more defensible, every of whose preachers pretends an immediate *call* ?

¹ They are communicated to the author from the repository of the Scottish College in Paris, by his worthy and learned friend Mr Thomas Innes of that College, author of the late elaborate "Critical Essay on the ancient Inhabitants of Scotland." Several other curious papers are likewise transmitted from that gentleman, which will help to adorn this work. And that the reader may at once be informed concerning this repository at Paris, he is to know that James Bethune, or Beaton, nephew to the Cardinal of that name, Archbishop of Glasgow, having thought fit, upon account of religion, to retire into France in the ships which carried the

form my readers of some other things which were enacted at this time, and which will doubtless prove the more agreeable to the curious, that they are no where else to be met with, nor so much as mentioned by any author, so far as I have hitherto been able to observe. I set them down in the very words I received them.

HEADS OF ACTS MADE IN THE PRETENDED PARLIAMENT IN AUGUST 1560.¹

“To the first, all actis yat was maid of before, for censuris of cursing, praying, and worschiping of Saints, ar anaullit and ordainit to be deleit furth of the bukis.

“*Item*, Ye Paip is renuncit and all his jurisdiction, and statut, yat na man in ony tyme heirafter sall seik Bull or Dispensation, under the pain of barratrie.²

“*Item*, It is statut and ordanit, that thair be na mess said within this Realme, and the sayar and hearer thairof sall, for the first falt loss all gudis movable and unmovable, and thamselvis is to be punischit at ye will of ye Majestrate, if they are apprehendit; for the second falt, banisching of ye Realme perpetual; for the third falt, deid (death).

“*Item*, It is statut that na few, nor tack of teind for this furth sett be ye Archbischof of St Andrews, Bischops of Dunkeld and Dumblane, Priors of Whithern, Pluscardy,

French forces away, the Queen, upon her return into her own kingdom the year ensuing, was pleased to cloath this Prelate with the character of her Ambassador at the Court of France. He was a man of so much good sense and virtue that King James VI., notwithstanding the differences of religion, thought fit to continue the same character with him until the time of his death, which happened not until the year 1603; during all which times he carefully preserved the Letters, Instructions, and other Papers committed to him by his royal constituents; and these are lately gathered and disposed, according to their proper dates, and the matters they contain, in very good order, by the exceeding care and industry of this gentleman and his sagacious brother the Reverend Mr Lewis Innes, Rector of the Scottish College, to which house the Archbishop left all his Papers, &c. This Prelate was careful likewise, when he went from his native country, to carry along him all the publick records of his See of Glasgow; and good had it been that the other Prelates had taken the same course, and thereby preserved some remembrance of our nation from the *Knoxian* (and that was more than *Barbarian*) devastation.

¹ Memoirs of Scotland, tom. i. fol. 168, &c. in Collegio Scot. Paris.

² i. e. As it is explained by our Law, Simony.

Abbot of Crossraguel, and certane vtheris in special, sall be of na avail, but null in the self, without further process of law. And gif ony of thaim hes sett ony few or tack from the saxt of Marche, anno 1558, the same to be callit before ye Lordis of Counsel, and maid of nane avail; and this Act to be publishit in everie borrowstown.

“*Item*, It is ordeinit yat everie possessour sall leid his teind, or intromett with it, and tak it in, even as he did ye last zeir, bot thai sall retein ye payment thairof in thair awin handis, quhil they get commandement of the Counsal quhom to it sould be payit.

“*Item*, It is statut, yat becaus na man comperit of ye Kirkmen that gaif in their billis of complaint, nor nain for tham, to declare in special quhairin thay wer hurt, eftir that thai war twyse callit upon; the Lordis and Nobilitie had don thair duetie conform to the Articles of Peax, quhilk sayis, “Gif ony Kirkman war hurt, let him gif in his bill to ye Parliament, and he suld be answerit as resson wald.”

“*Item*, Yair is certan statutis and ordonancis maid, in quhat manner appellationis and supplicationis, *per modum querelæ*, sould be pursuit befor the temporal Judge, and na mair befor ye spiritual Judge; and siclyke, how letteris sall be gevin upon acts without cursing, upon liquidat dett, and four formis for fulfilling of an deid.

“*Item*, It is statut yat certane pensions given be the Quene, sick as ye Erl of Glencarnis, David Murray, Lord Ruthven’s son, and was not providit in Rome, be as valzeable as and the same war confirmit be ye Paip; and the Bischoprick of Galloway adjudgit sicklik to the Bischop of Athenis without Bullis.

“*Item*, It is statut and ordainit thair sal be certan Commissioneris of Burrowis for ye marchandis estate at every convention, at leist 6 or 8 of thame to gif thair consent and writ to any taxation (that) beis raisit, or weir or peax tain in hand.

“*Item*, Tweching the law of oblivion, it is ratifiet and approvit, evry shire hes given in sa many namis in special as thai think sould joiss, and haif ye privilege of ye said law, and ye rest ar to be unworthie thairfor (thereof).

“*Item*, Thair is an ordinance maid for the Lord of St John, that he suld haif his lordschip heretable, and haif na

mair ado with ye Paip ; and ye Estatis suld write to the King and Quenis Majesties to confirm ye same.

“ *Item*, Thair is 24 conform to the Articles chosin to be sent to the King and Quenis Majesties, whairof thai suld cheis 8, and the Nobilitie 6. Thir ar ye namis of thame that ar chosin—my Lord Duke, Lord Arran, Erlis of Huntlie, Argyle, Glencarn, Morton, Athole, Menteith, Marshal, and Rothes ; Lordis, James, Erskin, Ruthven, Lindesay, Boyd, Ogilvie, St John, and the Maister of Maxwel ; Lairdis, Londy, Poterrocht (Pitarrow), Dwn, Cuningham-heid, Dumlank, and zoung Lethinton.

“ *Item*, It is statut in the meintime, quhil ye Commission come haim fra the King and Quenis Majesties, and that she hes chosin her part, that thair sall remain continuallie within the town of Edinburgh, 6 at ^{ye} leist of ^{ye} former Counsal, to ordour and minister justice and punish trespassors ; and gif thai happin to determin ony thing out with the said town, thair sal be na fewer than 16 of the forsaidis personis, &c.”

How long this Parliament may have kept sitting after the 24th of August, on which day they voted the Act against the Pope's authority, I cannot say, there being no indication hereof any where to be found.¹ The members had already kept together a much longer space than our Parliaments were wont to sit, which was usually a week or so. Before they separated, and when, according to Mr Knox, “these and other things were orderly done in lawful and free Parliament,” they directed a message into France to the King and Queen. But I will not enter upon that now, but choose to put an end here to the FIRST BOOK of our HISTORY, as being a proper period to such a stop.

¹ [It sat till the 27th of August.—E.]

END OF BOOK I.

APPENDIX

[TO BOOK I.]

CONTAINING THE

ORIGINAL PAPERS AND RECORDS, WITH OTHER
DOCUMENTS, MENTIONED AND REFERRED
TO IN THE FOREGOING
HISTORY.

From the first settlement of the city in 1630 to the present time.

By SAMUEL JOHNSON, Esq. of the Middle Temple, Barrister at Law.

London: Printed by J. DODD, in Pall-mall, 1790.

Price 10s. 6d.

By the Author, at the Office of the Editor, No. 1, Pall-mall.

By the Booksellers, in Pall-mall, and in the Strand.

By the Booksellers, in the Strand, and in the City.

By the Booksellers, in the City, and in the Country.

By the Booksellers, in the Country, and in the Foreign.

By the Booksellers, in the Foreign, and in the East.

By the Booksellers, in the East, and in the West.

By the Booksellers, in the West, and in the North.

By the Booksellers, in the North, and in the South.

By the Booksellers, in the South, and in the West.

APPENDIX

TO BOOK I.

I.—THE FORM OF THE INDULGENCE GRANTED BY POPE LEO X.¹

ISERATUR tui Dominus noster Jesus Christus; per merita suæ sanctissimæ passionis te absolvat; et ego autoritate ejusdem, et beatorum Petri et Pauli Apostolorum ejus, et sanctissimi nostri Papæ tibi concessa, et in hac parte mihi commissa, te absolvo; primo ab omnibus censoris ecclesiasticis per te quomodolibet incursis; deinde ab omnibus peccatis, delictis et excessibus tuis hactenus per te commissis quantumcunque enormibus, etiam Sedi Apostolicæ reservatis, in quantum claves sanctæ matris Ecclesiæ, se extendunt, remittendo tibi per plenariam indulgentiam omnem pœnam in purgatorio pro præmissis tibi debitam, et restituo te sanctis Sacramentis Ecclesiæ, et unitati fidelium, ac innocentiae et puritati, in qua eras, quando baptizatus fuisti; ita quod tibi decedenti clausæ sint portæ pœnarum, et sint apertæ januæ paradisi deliciarum; quod si non morieris, salva fit ista gratia quando alias fueris in mortis articulo. In nomine Patris, et Filii, et Spiritus Sancti, Amen.

II.—THE SENTENCE PRONOUNCED AGAINST MR PATRICK HAMILTON.²

CHRISTI NOMINE INVOCATO: Wee James, by the Mercie of God, Archbishop of Saint Andrews, Primate of Scotland, with the counsell, decree, and authoritie of the most Reverent Fathers in God, and Lords, Abbats, Doctours of Theo-

¹ Seckendorf, *Histor. Lutheran*, p. 14.

² Fox's *Martyrol*. vol. ii. p. 227, edit. London, 1631.

logie, Professors of the Holy Scripture, and Masters of the Universitie, assisting us for the time, sitting in judgment within our metropolitan church of Saint Andrews, in the cause of heretical pravitie against Mr Patricke Hamilton, Abbat or Pensionary of Ferme, being summoned to appear before us, to answer to certain Articles affirmed, taught, and preached by him ; and so appearing before us, and accused, the merits of the cause being ripely weighed, discussed, and understood, by faithful inquisition made in Lent last past. We have found the same Mr Patrick many wayes infamed with heresie, disputing, holding, and maintaining diverse heresies of Martin Luther and his followers, repugnant to our Faith, and which are already condemned by General Councells and most famous Universities. And hee being under the same infamie, we decerning before him to be summoned and accused upon the premisses, he, of evil mind, as may be presumed, passed to other parts forth of the Realme, suspected and noted of heresie, and being lately returned, not being admitted, but of his owne head, without licence or priviledge, hath presumed to preach wicked heresie.

We have found also that he hath affirmed, published, and taught divers opinions of Luther and wicked heresies, after that hee was summoned to appeare before us and our Counsel: "That man hath no free will ; that man is in sin so long as he liveth ; that children, incontinent after their baptisme, are sinners ; all Christians, that be worthie to be called Christians, do know that they are in grace ; no man is justified by works, but by faith only ; good works make not a good man, but a good man doth make good works ; that faith, hope, and charity are so knit, that he that hath the one, hath the rest ; and he that wanteth the one of them, wanteth the rest, &c.;" with diverse other heresies, and detestable opinions, and hath persisted so obstinate in the same, that by no counsel nor persuasion hee may be drawne therefrom to the way of our right faith.

All these premisses being considered, we, having God and the integrity of our faith before our eyes, and following the counsel and advice of the Professors of the Holy Scripture, men of law, and other assisting us for the time, doe pronounce, determine, and declare the said Mr Patricke

Hamilton, for his affirming, confessing, and maintaining of the foresaid heresies, and his pertinacity, they being condemned already by the Church, General Councils, and most famous Universities, to be an hereticke, and to have ane evil opinion of the faith, and therefore to be condemned and punished, likeas we condemne and desine him to be punished by this our sentence definitive, depriving and sentencing him to be deprived of all dignities, honors, orders, offices, and benefices of the Church, and therefore doe judge and pronounce him to be delivered over unto the secular power, to be punished, and his goods to be confiscate.

This our sentence definitive was given and read at our metropolitane church of S. Andrews, the last day of the month of February, anno 1527, being present the most Reverend Fathers in Christ and Lords, Gawand Bishop of Glasgow,¹ George Bishop of Dunkelden,² John Bishop of Brechain,³ William Bishop of Dunblane,⁴ Patrick Prior of St Andrews,⁵ David Abbat of Abirbrothoke,⁶ George Abbat of Dunfermling,⁷ Alexander Abbat of Cambuskenneth,⁸ Henry

¹ [Gavin Dunbar, Preceptor to James V., Archbishop of Glasgow.—E.]

² [George Crichton, Bishop of Dunkeld, and Lord Privy Seal.—E.]

³ [John Hepburn, Bishop of Brechin.—E.]

⁴ [William Chisholm, Bishop of Dunblane, uncle of his coadjutor and successor in that Diocese, Bishop William Chisholm.—E.]

⁵ [Patrick Hepburn, second son of Patrick first Earl of Bothwell, succeeded his uncle John as Prior of St Andrews, and advanced to the Bishopric of Moray in 1535, when he also received the Abbey of Scone *in commendam*.—E.]

⁶ [Afterwards the celebrated Cardinal David Beaton, Archbishop of St Andrews, and Primate.—E.]

⁷ [George Durie, but the proper Abbot of Dunfermline at the time was Archbishop James Beaton, who succeeded Archbishop Forman in the Primacy, and also in the Abbacy of Dunfermline, which he held a second time *in commendam*, while he allowed the title and probably devolved the duties of Abbot on Durie. This ecclesiastic, who was Archdeacon of St Andrews, styled himself Abbot in 1530, and he continued to take the title, or that of Commendator, apparently subordinate to Archbishop Beaton, during the Primate's life. After the Archbishop's death in 1539, Durie acted as sole Abbot or Commendator, and as such granted charters down to 1560, when he went to France, and it is uncertain if he ever returned. Preface to "Registrum de Dunfermlyn," 4to. Edinburgh, printed for the BANNATYNE CLUB, p. xvi. xvii.—E.]

⁸ [Alexander Milne, or Mylne, successively Canon of Aberdeen, Prebendary of Dunkeld, Dean of Angus in that Diocese, selected by James V. to be administrator of the revenues of the Abbey of Holyrood at Edinburgh and of the Priory of St Andrews, which he had bestowed on his

Abbat of Lendors,¹ John Prior of Pittenweem,² the Deane and Sub-Deane of Glasgow, Mr Hugh Spens, Thomas Ramsay, Allane Meldrum, &c. in the presence of the clergy and the people.

III.—FRIAR SETON'S LETTER TO THE KING.³

MOST GRACIOUS AND SOVERAIGNE LORD under the Lord and King of all, of whom only thy Highnes and Majesty hast power and authority to exercise justice within this thy Realme under God, who is King and Lord of all Realmes, and thy Grace, and all mortal Kings, are but only servants unto that only immortal Prince Christ Jesus, &c. It is not, I wot, unknown to thy gracious Highnes, how that thy Grace's sometime servant and orator, and ever shall be to my lives end, is departed out of thy Realme unto the next adjacent of England. Nevertheless I believe the cause of my departing is unknowne to thy gracious Majesty, which only is, because the Bishops and Churchmen of thy Realme have had heretofore such authoritie upon thy subjects, that apparently they were rather King, and thou the subject; which unjust regiment is of itself false, and contrarie to holy Scripture, and God's law; then thou art their King and Master, and they thy subjects, which is very true, and testified expressly by the word of God: And also, because they will give no man, of any degree or state, whom they often call heretikes, audience, time nor place to speak, and have defence, which is against all Law, both the old Law, called the Law of Moses, and the new Law of the Gospel. So that if I might have had audience and place to speak, and have shewed my just defence, conformable to the Law of God, I should never have fled to any other Realme, suppose it should have cost me my life. But because I believed that

two infant illegitimate sons, and in 1523 first Lord President of the Court of Session.—E.]

¹ [Henry, whose surname is unknown, was, as far as can be ascertained, the thirteenth Abbot of Lindores in Fife. See Chartularies of Balmerino and Lindores, printed for the ABBOTSFORD CLUB, 4to. Edinburgh, 1841, Introduction to "Liber Sancte Marie de Lindores," in the same volume, by W. B. D. D. Turnbull, Esq. Advocate, p. iv.—E.]

² [John Rule, Prior of Pittenweem.—E.]

³ Knox's Hist. edit. 8vo. p. 48.

I should have no audience, nor place to answer, they are so great with thy Grace, I departed, not doubting, but moved of God, unto a better time, that God illuminate thy Grace, even to give every man audience, as thou shouldst, and mayst, and is bound by the law of God, who are accused to the death. And to certify thy Highnes that these are no vain words, but of deed and effect, here I offer me to thy Grace to come in thy Realme again, so that thy Grace will give me audience, and hear what I have for me of the law of God : And cause any Bishop or Abbot, Friar or Secular, which is most convenient (some of them cannot reade their mattins, who are made judges of heresie), to impugne me by the Law of God, and if my part be found wrong, thy Grace being present and judge, I refuse no pain worthy or condigne for my fault. And if that I convict them by the Law of God, and that they have nothing to lay to my charge, but the law of man and their own inventions, to uphold their own glory and prideful life, and dayly scourging of thy poor subjects, I report me to thy Grace as judge, whether he hath the victory that holds him at the Law of God, which cannot fail nor be false, or they that holds them at the law of man, which is right oft plain contrary, and against the Law of God, and therefore of necessity false and full of leasings, for all things that is contrary to the veritie, which is Christ and his law, is of necessity a leasing. And to witness that this comes of all my heart, I shall remain in Barwicke while I get thy Grace's answer, and shall without fail return, having thy hand writ, that I may have audience and place to speak. No more I desire of thee, whereof if I had been sure, I should never have departed ; and that thou mayst know the truth thereof, if fear of the justnes of my cause, or dread of persecution for the same, had moved me to depart, I could not so pleasantly revert ; only distrust was the cause of my departing. Pardon me to say that which lyes to thy Grace's charge. Thou art bound by the Law of God (suppose they falselie lie, saying, It pertaineth not to thy Grace to intermeddle with such matters), to cause every man in any case accused of his life to have his just defence, and his accusers, conform to their own law. They blind thy Grace's eyes that knows nothing of thy law, but if I prove not this out of their own law, I offer me to the death. Thy

Grace, therefore, by experience may dayly learn, seeing they neither fear the King of Heaven, as their lives testify, neither the natural Prince, as their usurped power in their own actions shews, why thy Highness should lie no longer blinded. Thou maist consider that they pretend nothing else, but only the maintenance and upholding of their barbed mules, augmenting of their insatiable avarice, and continual overthrowing and swallowing up thy poor subjects; neither preaching nor teaching out of the Law of God (as they should) to the rude ignorant people; but contend who may be most high, most rich, and nearest thy Grace, to put the temporal Lords and lieges out of thy counsel and favour, who should be, and are most tender servants to thy Grace in all time of need, to the defence of thee and thy Croun. And where they desire thy Grace to put out thy temporal Lords and lieges because they despise their vitious life, what else intend they but only thy death and destruction? as thou mayst easily perceive, suppose they colour their false intent and mind with the pursuit of heresie. For when thy Barons are put down, what art thou but the King of Bane? and then of necessity must be guided by them; and there, no doubt, where a blind man is guide, must be a fall in the myre. Therefore let thy Grace take boldnes and authoritie, which thou hast of God, and suffer not their cruell persecution to proceed, without audience given to him that is accused, and just place of defence; and then, no doubt, thou shalt have thy subjects' hearts, and all that they can or may do in time of need, tranquillitie, justice, and policie in thy Realme, and finally the kingdom of the heavens. Pleaseth you to give this, or the copy, to the clergy and churchmen, and keep the principal, and thy Grace shall have experience if I go against one word that I have spoken, I shall dayly make my heartly devotion for thy Grace, and for the prosperity and welfare of thy body and soul. I doubt not but thy gracious Highnes will give answer of these presents unto the presenter of this unto thy Highnes. At Barwicke, by thy Highnes servant and orator, ALEXANDER SETON.¹

¹ [Seton lingered at Berwick for some time, expecting an answer from the King to his letter, in the hope that its perusal would restore him to favour, but he was disappointed. A perusal of the letter will at once prove that the writer of it was not likely to obtain any favour from the "clergy and churchmen," to whom he desired the King to give a copy.—E.]

IV.—THE ACT OR PROCESS AGAINST SIR JOHN BORTHWICKE.¹

SIR JOHN BORTHWICKE, Knight, commonly called Captaine Borthwicke, being accused, suspected, slandered, and convict by witnesses, without all doubt, of greater estimation then hee himselfe, in the year of our Lord 1540, the eight and twentieth day of May, in cloyster of St Andrewes, in the presence of the Most Reverend Fathers, Gawine Archbishop of Glasgow, Chancellour of Scotland,² William Bishop of Aberdeen,³ Henry of Candida Casa,⁴ John Bishop of Brechin,⁵ and William of Dunbar Bishop of ———,⁶ Andrew of Melross,⁷ George of Dunfermling,⁸ John of Paisly,⁹ John of Lundores,¹⁰ Robert of Kelso,¹¹ and William of Culross,¹²

¹ Fox's Martyrol. vol. ii. p. 605, &c.

² [Gavin Dunbar. See the first note, p. 331, No. II. of this Appendix.—E.]

³ [William Stewart, of the Family of Garlies, formerly Parson of Lochmaben, Rector of Ayr, Prebendary and Dean of Glasgow, Provost of Lincluden, and Lord High Treasurer of Scotland, elected Bishop of Aberdeen in 1532.—E.]

⁴ [Henry, Bishop of Galloway, or Candida Casa, is supposed to have been a near relative of the Noble Family of Wemyss, Earls of Wemyss in the Peerage of Scotland.—E.]

⁵ [John Hepburn, of the Family of Bothwell, Bishop of Brechin.—E.]

⁶ [The Prelate mentioned is not known.—E.]

⁷ [Andrew Durie, Abbot of Melrose. Charters to and by Andrew, Abbot of Melrose, are in the "Liber Sancte Marie de Melros," presented to the BANNATYNE CLUB by his Grace the Duke of Buccleuch, 4to. Edin. 1837, vol. ii. p. 626, 627, 628, 634.—E.]

⁸ [George Durie, Abbot of Dunfermline. See the seventh note, p. 331, No. II. of this Appendix.—E.]

⁹ [John Hamilton, illegitimate brother of the Duke of Chatelherault, Earl of Arran, and Regent of Scotland. He was appointed Abbot of Paisley in 1525, Keeper of the Privy Seal in 1543, and subsequently Lord High Treasurer, and the successor of Cardinal Beaton as Archbishop of St Andrews and Primate of Scotland.—E.]

¹⁰ [John, whose surname is unknown, Abbot of Lindores, was appointed a member of a Committee of the Parliament of 1542, Acta Parl. Scot. folio, vol. ii. p. 411. He was elected one of the same Committee in the Parliament, 4th December 1543, Ibid, vol. ii. p. 428; and the Abbot of Lindores was elected one of the Lords of the Articles in the Parliament held on the 7th of November 1544. John Abbot of Lindores was in the Parliament of 1560 which ratified the Confession of Faith, and was elected a Lord of the Articles. It is said that he conformed to the "Reformed" opinions. Introduction to "Liber Sancte Marie," printed for the ABBOTSFORD CLUB, 4to. Edinburgh, 1841.—E.]

¹¹ [Robert, Abbot of Kelso. Surname unknown.—E.]

¹² [On the 14th March 1542, William, Abbot of Culross, protested in the Parliament on behalf of the "bairns" of "umquhill James Colville

Abbots ; ——— Mancolalyne of Whithern,¹ and John of Pittenweem,² Priors ; Mr Alexander Balfour, Vicar of Kilman, Rector of Law,³ Official of St Andrews ; John Winton,⁴ Sub-Prior, John Annand and Thomas Cunningham, Cannons of St Andrews ; and Mr John Mayor and Peter Capelland,⁵ Batchelours of Divinitie, and Doctors ; Martine Balfour, Batchelour of Divinitie, and Fellow Priour of the Friars Augustines of the same city ; John Tulidaffe,⁶ Warden of the Friars Minors, and John Paterson⁷ of the same Convent. And also in the presence of the Most Noble, Mighty, and Honourable Lords, George of Huntly,⁸ James of Arran,⁹ William Marischal,¹⁰ William of Montrose,¹¹ Earles ; Malcom Lord of Fleming,¹² Chamberlaine of

of East Wemyss, Knight. Acta Parl. Scot. folio, vol. ii. p. 424. In the Parliament held on the 3d of December 1543, William, Abbot of Culross, was appointed one of the curators of the “sonis and dochters” of the said Sir James Colville of East Wemyss. Ibid. vol. ii. p. 428.—E.]

¹ [Probably the real name is *Maclellan*, and the Prior of Whithorn may have been a relative of the once powerful Galloway Family of Maclellan of Bombie, created Lords Kirkcudbright in 1633. The title has been dormant since the death of the ninth Lord in 1832.—E.]

² [See the second note, p. 332, No. II. of this Appendix. The Prior of Pittenweem was a peculiarly zealous opponent of the new doctrines.—E.]

³ [Probably Kilmany and Largo, two parishes in Fife.—E.]

⁴ [John Winram, Sub-Prior of St Andrews, is the personage indicated.—E.]

⁵ [John Major and Peter Copeland. John Major, a Doctor of the Sorbonne, who had studied at Oxford and Paris, was a man of some repute in his time, and as he is considered to have been latitudinarian or republican in his religious and political opinions, it is singular to find his name in this document. Major was afterwards Principal of the College of St Salvador in the University of St Andrews, where he delivered lectures, which were attended by John Knox and George Buchanan, both of whom are alleged to have imbibed his sentiments. Major, or Mair, as the name would now be written, was a man of no great strength of mind, solidity of judgment, or of very high attainments. His pupil and admirer Buchanan says of him that he taught “logic, or more properly the art of sophistry.” Major wrote “*De Gestis Scotorum*.”—E.]

⁶ [John Tullidelph, Warden of the Franciscans.—E.]

⁷ [In another document called *John Thomson*, Prior of the Dominican Monastery.—E.]

⁸ [George Gordon, fourth Earl of Huntly.—E.]

⁹ [James Hamilton, second Earl of Arran, and first Duke of Chatelherault.—E.]

¹⁰ [William Keith, fourth Earl Marischal.—E.]

¹¹ [William Graham, second Earl of Montrose.—E.]

¹² [Malcolm Fleming, third Lord Fleming, grandfather of the first Earl of Wigton.—E.]

Scotland, John Lord of Lindsey,¹ John Lord of Erskine,² George Lord of Seton,³ James Hamilton of Finwart,⁴ Walter Lord of Saint John,⁵ Mr James Fowlis of Colington,⁶ Clerk to the King's Register ; with divers other Lords, Barons, and honest persons, being called and desired together for witnesses that he did hold, publish, and openly teach these errours following :—

ARTICLE I. That our Holy Father the Pope, as Christ's Vicar, hath not, neither can exercise, greater authoritie over Christians here on earth than any other Bishop or Prelate.

ARTICLE II. That Indulgences and Pardons granted by our supreme Head the Pope are of no force, strength, or effect, but tend only to the abuse of the people, and the deceiving of their souls.

ARTICLE III. That the Pope is an open user of simony, daily selling the gifts of the Spiritualities, and that it is lawfull for all Bishops to be coupled and joyned in matrimonie.

ARTICLE IV. That all those Heresies, commonly called the Heresies of England, or at the least the greater or most part of them, are to be now presently understood and knoun by the English men to be of themselves good and just, and to be observed of all faithfull Christians, as most true and conformable to the Law of God ; and that he had persuaded many persons to embrace the said Heresies.

ARTICLE V. That the Scottish Nation and their clergy

¹ [John Lindsay, fifth Lord Lindsay of the Byres, one of whose daughters, named Isabel, married Norman Leslie, one of the murderers of Cardinal Beaton ; and another of whose daughters, named Margaret, married David Beaton of Melgund in Forfarshire, an illegitimate son of the Cardinal.—E.]

² [John Erskine, fourth Lord Erskine, and fifth Earl of Mar of the Family of Erskine.—E.]

³ [George, fifth Lord Seton, father of the first Earl of Dunfermline, and grandfather of the first Earl of Winton.—E.]

⁴ [Sir James Hamilton of Finnart, a well known personage.—E.]

⁵ [Sir Walter Lindsay, Preceptor of the Order of St John of Jerusalem in Scotland, who inaugurated Sir James Sandilands of Calder, afterwards the first Lord Torphichen, as his future successor. It is, however, stated in the Peerage account of the Torphichen Family, that Sir Walter Lindsay died in 1538, nearly two years before this prosecution of Sir John Borthwick.—E.]

⁶ [Also designated *Sir John Foulis* of Colinton, near Edinburgh. Beatson's Political Index, vol. iii. p. 98.—E.]

be altogether blinded; whom he did also say and affirme, that they had not the true Catholique Faith. And this he did openly teach, and preached also, that his Faith was much better and more excellent than the Faith of all the clergy in the Realme of Scotland.

ARTICLE VI. Agreeable to the ancient errours of John Wickliffe and John Hus, arch-Heretiques condemned in the Council of Constance, hee hath affirmed and preached that the clergy ought not to possesse or have any temporal possessions, neither to have any jurisdiction or authority in temporalities, even over their owne subjects; but that all these things ought to be taken from them, as it is at this present in England.

ARTICLE VII. Falsly, and against the honour, state, and reverence of the sacred Majestie of the King of Scots, he hath said, holden, and affirmed, That our Most Noble King of Scots, Defender of the Christian Faith, would appropriate unto himselfe all the possessions, lands, and rents of the Church, given and granted by his predecessors, and also by himselfe, and convert them unto his owne private use. And for this end and purpose, as hee hath many times written to him, so hath hee with his whole endeavour persuaded our said Noble Lord and King thereunto.

ARTICLE VIII. He willed and desired, and oft-times with his whole heart prayed, that the Church of Scotland might come and be brought to the same point and state, and to like ruine, as the Church of England was alreadie come unto.

ARTICLE IX. He hath openly holden, said, and affirmed, preached and taught, That the Lawes of the Church, that is to say, the sacred Canons, approved and allowed by the holy Catholique and Apostolique Church, are of no force, strength or effect; alledging therefore and affirming, that they are made and invented contrarie to the Law of God.

ARTICLE X. Divers and many waies he hath said, holden, and also affirmed, and openly taught, That there is no religion to be observed and kept, but simply to be abolished and destroyed, as it is now in England; and despising all religion, affirming that it is but abusing of the people, he hath taught that their habits and vestures are deformed, and very monstrous, having in them no manner of utilitie or

holines ; inducing and alluring, as much as in him lay, all the adherents of his opinion, that all religion in the kingdome of Scotland should bee subverted and utterly taken away, to the great offence of the Catholique Church, and the diminishing and detriment of the Christian religion.

It is manifest that the said John Borthwicke was so obstinate in all the foresaid errours and heresies, and so maintained and taught them with such an indurate heart and mind, that he would not by any means be persuaded from them by his friends and divers other persons which did dearly love and favour him ; but chose rather obstinately to persevere in his said errours.

Of all which the premisses, and many other errours by him holden, spoken, published, affirmed, preached, and taught, the common fame and report is, that the said Sir John Borthwicke is holden, reputed, and accounted of very many as an Heretique, and principal Heretique, which holdeth evil opinions of the Catholique Faith.

Where wee David, by the title of S. Stephen in Mount Coelio, Prelate and Cardinal of the Holy Church of Rome, Archbishop of S. Andrews, Primate of the whole Kingdome of Scotland, and borne Legate of the Apostolique See, sitting after the manner of Judges in our Tribunal Seate, the most Holy Gospels of God being laid before us, that our judgement might proceed from the face of God, and our eyes might behold and look upon equity and justice, having only God, and the veritie and truth of the Catholique Faith before our eyes, his holy name being first called upon, having, as is before said, hereupon holden a counsel of wise men, as well divines as lawyers, We pronounce, declare, decree, determine, and give sentence, that the said Sir John Borthwicke, called Captaine Borthwicke, being suspected, infamed, and accused of the errours and heresies before said, and wicked doctrines manifoldly condemned, as is aforesaid ; and by lawful proofs against him in every of the premisses had, being convict and lawfully cited and called, not appearing, but as a fugitive runne away, and absent, even as though he were present, to be an Heretique, and is and hath been convict as an Heretique, and as a convict Heretique and Heresi-

arch, to be punished and chastened with due punishment, and afterward to be delivered and left unto the secular power. Moreover, We confiscate and make forfeite, and by these presents declare and decree to be confiscated and made forfeite, all and singular his goods, moveables, and unmoveables, howsoever and by whatsoever title they be gotten, and in what place or part soever they be ; and all his offices whatsoever he hath hitherto had, reserving, notwithstanding, the dowry, and such part and portion of his goods as by the law, custom, and right of this Realme, unto persons confiscate ought to appertain. Also We decree that the picture of the said John Borthwicke being formed, made, and painted to his likeness, be carried through this our city to our cathedral church, and afterward to the market-cross of the same city, and there, in token of malediction and curse, and to the terrour and example of others, and for a perpetual remembrance of his obstinacie and condemnation, to be burned. Likewise We declare and decree, that notwithstanding, if the said John Borthwicke be hereafter apprehended and taken, he shall suffer such like punishment due by order of law unto heretiques, without any hope of grace or mercy, to be obtained in that behalfe. Also We plainly admonish and warne, by the tenor of these presents, all and singular faithfull Christians, both men and women, of what dignity, state, degree, order, condition, or preheminance soever they be, or with whatsoever dignitie or honour, ecclesiastical or temporall, they be honoured, that from this day forward they doe not receive or harbour the said Sir John Borthwicke, commonly called Captaine Borthwicke, being accused, convict, and declared an Heretique, and arch-Heretique, into their houses, hospitals, castles, cities, towns, villages, or other cottages whatsoever they be, or by any manner of means admit him thereunto, either by helping him with meate, drink, or victuals, or any thing whatsoever it bee, they do shew unto him any manner of humanity, help, comfort, or solace, under the pain and penalty of greater and further excommunication, confiscation, and forfeitures ; and if it happen that they be found culpable or faultie in the premisses, that they shall be accused therefore, as the favourers, receivers, defenders, maintainers and abettors of

Heretiques, and shall be punished therefore according to the order of law, and with such pain and punishment as shall be due unto men in such behalfe.¹

V.—ORDERS OF PARLIAMENT.²

16. *NOVEMBER* 1524.—The Lordis divisit on the Secrete Counsale with the Queinis Grace to direct all materis, and that naithing be done without thair aviss thairto, viz. my Lord of Saint Andrews,³ my Lord of Abirdene,⁴ my Lord of Arane,⁵ my Lord of Ergile.⁶

Same day.—Our Soverane Lord, with aviss of his deirest Moder the Queinis Grace,⁷ and the Lordis thre Estatis of his Realme, understandand that Jhone Duke of Albany,⁸ than tutor and governour to our said Soverane Lord the Kingis Grace at his last departing furth of this Realme, promittit to haif returnit to the samen at the first day of September last bypast, for dew execution of his office, and administration of justice, to our Soverane Lordis liegis enduring the time of his said office, with supportatioun of the King of France, for defence of this Realme, as efferit and was promisit, quhilk he hes not kepit, but absents him agane the tenor of his said promitt and office of tutory, abusand and negleckand the samen, to the gret hurt and skaith of our said Soverane Lord, his liegis and subditis; Quherfore, the saids thre Estatis has decernit his said office of tutory and governance to be expirit, and he secludit thairfra, and has

¹ [After the triumph of the "Congregation," the above sentence against Sir John Borthwick was publicly reversed "in the consistoriall hows, within the parochie kyrk of the citie of Sanctandrows, upon the 5th day of September MVLXI. years;" and, as a singular instance of the profligacy or want of principle of the times, it was done by John Winram, one of the persons who assisted at Borthwick's condemnation, but who was now "Superintendent of Fife." BANNATYNE MISCELLANY, vol. i. p. 260.—E.]

² Records of Parliament.—[Acta Parl. folio, vol. ii. p. 285, 286.—E.]

³ [James Beaton, Archbishop of St Andrews.—E.]

⁴ [Gavin Dunbar, Bishop of Aberdeen, uncle and contemporary of Gavin Dunbar, Archbishop of Glasgow.—E.]

⁵ [James second Lord Hamilton, and first Earl of Arran, father of the Duke of Chatelherault.—E.]

⁶ [Colin third Earl of Argyll.—E.]

⁷ [The Princess Margaret, daughter of Henry VII. of England, sister of Henry VIII., and mother of James V.—E.]

⁸ [Son of Alexander Duke of Albany, second son of James II.—E.]

statute and ordanit that our said Soverane Lord sall use and exerce his awin autoritie, and haif the full reule and governance of his Realme, liegis, and subditis, in time to cum, be aviss of his said deirest Moder the Queinis Grace, and Lordis of his Counsale, and that honest writings in this matter be devisit and send to the King of France and the said Duke, to the excuse of our said Soverane Lord his Lordis, and thair accusation.

Same day.—*Item*, Because the Queinis Grace, be natural lufe, affectioun, and inclinatioun, is maist tender, sure and traist, for the gude and weil of our Soverane Lord her deirest sonis persoun; it is statute and ordanit that she sall haif the keping and reule of his maist noble Persone, with wyse vertuous men of gud inclinatioun and conversatioun, that may and will instruct him in vertewis, bountie, and gud manneris, to be chosin be aviss of the Quenis Grace and Lordis of Counsale; and that all Officiaris of his maist noble Persone houshald, with otheris his Officiaris, he chosin sufficient, abill and convenient men thairto, be aviss of the Queinis Grace and Lordis of Counsale, sche beand principale.

Same day.—It is devisit and ordanit, That the Archbischope and Bischop of St Andrews and Abirdene, the Erlis of Arane and Ergile, be Lordis of our Soverane Lordis Secret Counsale, to deviss and conclude the matteris betwix Realm and Realm, the striking of cunze, setting of Justice-Airis, and all utheris gret matteris belangand the commoun wele of our Soverane Lord and his Realm, be aviss of the Quenis Grace, sche beand principale.

25. *February* 1524-5.¹—The quhilk day, the Lordis of Articklis has chosen and ordanit, That thir Lordis underwritten, that is to say, my Lord of Saint Andrews, my Lord of Glasgow,² my Lord of Aberdene, and my Lord of Dunblaine,³ for the Spiritualitie; and my Lords Erle of Anguss,⁴

¹ [Acta Parl. Scot. folio, vol. ii. p. 289.—E.]

² [Gavin Dunbar, Archbishop of Glasgow.—E.]

³ [James Chisholm, Bishop of Dunblane, half-brother of his successor, William Chisholm.—E.]

⁴ [Archibald Douglas, sixth Earl of Angus, grandson of Archibald fifth Earl, who was celebrated as the "Great Earl," and popularly known as "Bell-the-Cat." This sixth Earl married Queen Margaret, widow of James IV.—E.]

Erle of Arane, Erle of Ergile, and Erle of Levinax,¹ for the temporalitie, sall be Lordis of the Secrete Counsale, to steir, execute and put furth the Kingis autoritie, in all matteris concerning the honour and wele of our Soverane Lordis Persone, the commonwele of his Realme and liegis, and materis betwixt Realme and Realme, and in all other materis, as heirafter followis in particular, the Queinis Grace being principale, and ane of the samen, as od persone; and that nathing be done without thair aviss thereto, according to the saidis Articklis and Statutis thairupon, the Queinis Grace being principale, and ane of the samen as od person, as said is.

25. *February*, 1524-5.—It is divisit, statut, and ordanit, be the thre Estatis in this present Parliament, That the Kingis Grace maist noble Persone be remufit furth of the Castell of Edinburgh to the Abbay, for resonable causis moving the saids thre Estatis; quhilks declaris, that this conventioun and lying about the Castell at this tyme, was and is for the surtie of the Kingis Persone, and common wele of his Realm, and na cryme sall be imput to ony persone tharfor.

Same day.—It is devisit, statut, and ordanit, That there be chosin be the Counsale chosin be the thre Estatis, Lordis and Gentillmen as beis thought by them to vaik daly and nytlie with the Kingis Grace alway, the Queinis Grace beand principale Kepar, and sche to resort and remane with him at hir plesur, and nought remufit therefra; providing that his Grace be nought transportit furth of the Realm, under the pain of cryme of lese majestie to the doaris, assistaris, and consentaris thereto; and that his Grace sall be remufit fra place to place within the Realme, be aviss of the Queinis Grace, and Lordis chosin be the thre Estatis, or thair deput be them thereto, sche beand ay principale, as said is.

17. *July* 1525.²—Thir are the Lordis chosin to remane with the Kingis Grace quarterlie, as efter followis, that is to say, fra this day furth quhill all Hallowmess nixt to come, the Archbischof of Glasgow and Erle of Anguss, and with

¹ [Matthew Stuart, fourth Earl of Lennox, and afterwards Regent, father of Henry Lord Darnley, who married Queen Mary.—E.]

² [Acta Parl. Scot. folio, vol. ii. p. 294, 295.—E.]

them in company, the Bischop of Orknay,¹ the Erle of Mortoun,² the Abbot of Halirudhouss,³ the Lord Setoun, and the Abbot of Arbroth.

The secund quarter, that is to say, fra all Hallowmess to Candilmess, the Bischop of Abirdene, the Erle of Arane, and with them the Bischop of Brechin, the Erle of Eglington,⁴ the Abbot of Paisley,⁵ the Lord Forbes.⁶

The third quarter, that is to say, fra Candilmess to Beltane,⁷ the Archbischof of Saint Andrews, the Erle of Ergile, and with them the Bischop of Dunkeld, the Abbot of Cambuskynneth, the Lord Erskin, the Lord Flemyng.

The ford and last quarter, fra Beltane to Lammess, the Bischop of Dunblane, the Erle of Levinax, and with them the Bischop of Caithness, the Erle of Glencairn, the Erle of Montrose, and the Abbot of Scone.

The hail Lordis refers the exercitioun of the Kingis maist noble Person to the discretioun of the Lordis being with him for the tyme.

VI.—ACT ANNULING THE TREATY OF PEACE AND MARRIAGE
BETWIXT MARY QUEEN OF SCOTLAND, AND HENRY VIII.
KING OF ENGLAND, AND EDWARD PRINCE OF WALES.⁸

THE quhilk day,⁹ anentis the Artikle proponit, tuiching the Pece and Contract of Merrage laitlie tane and maid betuix the ambassatouris of our Sovirane Lady the Quenis Grace,

¹ [Either Edward Stuart, Bishop of Orkney, whom Bishop Keith, in his "Catalogue of the Scottish Bishops," describes as "a person of illustrious birth," or Thomas, Bishop of Orkney, of whom nothing is known.—E.]

² [James Douglas, third Earl of Morton, who was succeeded by James fourth Earl, afterwards the celebrated Regent Morton, second son of Sir George Douglas of Pittendrech.—E.]

³ [William Douglas, formerly Prior of Coldingham.—E.]

⁴ [Hugh Montgomery, second Earl of Eglinton.—E.]

⁵ [John Hamilton, made Abbot of Paisley in 1525, afterwards Archbishop of St Andrews.—E.]

⁶ [John Forbes, sixth Lord Forbes.—E.]

⁷ [Beltane was the ancient Pagan festival annually observed on the first day of May old style, and in Christian times the name was often used to denote Whitsunday.—E.]

⁸ Records of Parliament.

⁹ [This was the 10th December 1543.—Acta Parl. Scot. folio, vol. ii. p. 431.—E.]

and the Commissaris of the King of Ingland, betuix our said Sovirane Lady and Edward Prince of Ingland, sone and apperand air of the King of Ingland, gif the samyn suld be observit and keipit, or nocht. My Lord Governour and thre Estatis of Parliament fyndis, that the said Peice was takin, concludit and endit, in the begynning of the moneth of Julii last bypast, betuix the saidis Ambassatouris and Commissaris of bayth the Realmes, and the selis to have bene interchengit betuix that and the first day of September nixt thairefter *exclusive*: And thane the said Peice was proclamit baith in Ingland and Scotland; and throw pretence thairof the merchandis of Scotland put thair schippis and guidis to the see, and lang befor the said first day of September thai war takin be Inglismen, and haldin thameselfis, thair schippis and guidis, as zit unrestorit, bot demanit as inimeis, notwithstanding the said Pece, and divers message send for delivering of thame; quharthrow the said King of Ingland hes violate and brokin the said Pece. And thairfor, and becaus the said Contract of Merrage was grantit for the said Peice to have bene had, observit, and keipit betuix the tua Realmes, quhilk was nocht keipit, bot brokin and violet bethesaid King of Ingland, as said is; and als, becaus my Lord Governour send bayth the Contractis of Pece and Merrage, ratifit, apprevit, and suorne be him, and selit with oure Sovirane Ladeis Gret Sele, according to the indentis, befor the said first day of September, and causit the samyn to be deliverit to the said King of Ingland; quha was requirit be the Ambassatouris send be my Lord Governour to have deliverit the sadis Contractis, in siclik manneir ratifyit, apprevit and suorn be him; and he refusit to do the samyn. My Lord Governour and thre Estatis in Parliament forsaid has declarit, and declaris the saidis Contractis to be expirit in thameselfis, and nocht to be kepit in tyme cuming, for the part of Scotland, be law, equit, and just resoun.

VII.—ACT EMPOWERING CARDINAL BETON, ETC. TO TREAT
WITH THE AMBASSADORS OF FRANCE.¹

THE quhilk day,² in presence of ane rycht Noble Prince,

¹ Records of Parliament.

² [The 10th of December 1543. Acta Parl. Scot. folio, vol. ii. p. 431, 432.—E.]

James Erle of Arrane, Lord Hamiltoun, &c. Tutor to our Soverane Lady, and Governour of hir Realme, and thre Estatis of the samin, sittand in Parliament, comperit Jacques de la Brosse, Knycht, and Maister James Mesuaige, Counsalour of Parliament of Rowan,¹ Ambassatouris to the maist Cristine King of France; and thaire at lenth schew and declarit the caus of thair message and cuming in this Realme, quhilk was principaly to consent for the part of the said King of France, and to desyre for the part of Scotland the auld ancient ligis, contractis, and confederationis of amyte and kyndnes past at all tymes befor betuixt the Kingis of Scotland and of France, thair Realmes and subjectis, sen the first begyning of the samyn, past memour of man, to be ratifyit, apprevit and confermit, and of new to be contractit and renewit; and sicklik, to permitt and geif, for the part of the said King of France, ayd and supple to our Soverane Lady the Quenis Grace, and Noblis of this Realme, for the defence of the samyn, and liberte thairof, aganis the King of Inland, quha actualy invadis the samyn; my Lord Governour and Lordis, thre Estatis of the Realme sittand in Parliament, eftir that thai war reply avsit with the desyris of the saidis Ambassatouris, and eftir the sycht of all contractis past betuix the Kingis of France and Scotland sen King Robert the Bruce, hes thocht veary expedient, and with ane consent and assent hes declarit and ordanit the saidis contractis to be ratifyit, apprevit, and confermit, and to be of new contractit and renewit; and in speciale, the contractis made betuixt umquhile our Soverane Ladyis fader,² quhem God assolze, hir guid syr and grantsyr, with the Kingis of France, and of all uther contractis sen the deceis of umquhile King Robert the Bruce, first King of Scotland of that naime, and Charlis King of France and Naver; and ordanis letteris to be directit hereupoun in dew and ample form, in our Soverane Ladyis name, with consent of hir said tutour and governour, and thre Estatis of hir Realme, under hir Grace greit sele; the King of France doand in semblable

¹ [Rouen, the capital of the Arondissement or Department of the Lower Seine, the See of an Archbishop, and formerly the capital of Normandy.—E.]

² [James V. of Scotland, Francis I. of France, and James IV. of Scotland.—E.]

maneir for his part. My Lord Governour, with avise of the thre Estatis of Parliament, deputis, and gevis power to my Lord Cardinal, the Erlis of Ergile, Murray, Lord of Sanct Jhone, and Sir Adam Ottirburn of Reidhall, Knycht, or ony five, four, thre, or tua of thame, to commoun and conclude with the saidis Ambassatouris, anentis the maiking of the saidis letteris of approbatioun, ratificatioun, and confirmatioun, and contracting of new, and novation of all the saidis contractis.

VIII.—LETTER FROM JAMES EARL OF ARRAN, GOVERNOR OF SCOTLAND, TO HENRY VIII., KING OF ENGLAND.¹

RICHT excellent, richt hie, and mychty Prince, plesit your Grace, that eftre divers and mony brekkis, quhilkis hes had place in this Realme, sen the deceis of our maist Noble Prince and Maister, quhom God absolve, finaly, the mater is sa dressit, thankis be to God, that all stryfe and dissensioun, all querrellis and controversiis, and movaris of debaite amangis the Noblemen of this Realme, ar brocht to perfyte concorde and conformitie, sua that we now being all of ane minde, are agreit and determit, in all behalves, to put in execution sic thingis as appertenis trew and faithful subjects of this Realme to do, not onlie for defence thairof, gif it sall be invadit, but alsua to keip the samyn fra besynes, gif reasonable and honest wayis may be had ; for procuratioun quharof we have thocht necessare to send unto your Grace this bearer, and to desire ane sauf conduct unto our ryt traist and welbelovit counsalours, Robert Bischop of Orkney,² Walter Lord Sanct Johns, Schir John Campbel of Calder,³ and Schir Adam Octurburne, Knichtis, or to ony thre or twa of thame quhome we intend, be the advise of the haile Noblesse of this Realme, to direct unto your Grace, for declaratioun of sic thingis as ryndis hichtlie to the commone weale of baith thir Realmes, traisting that it wil be your Gracis pleasour to condescend and grant unto the samyn the rather that sic treatis as beis assentit to be the Estatis and

¹ MS. Lawyers' [Advocates'] Library [Edinburgh.]

² [Robert Reid, Bishop of Orkney.—E.]

³ [Of the Family of Argyll, ancestor of the Earls of Cawdor in the Peerage of Great Britain.—E.]

haile Noblesse of this Realme without repugnance, may na wise eftirwartis be alterit nor go abak for oure parte; quharapone, gif it please zoure Grace sua to do, it sall follow that mekle besines being removit, quietnes and reste may be inducit, to the pleasour of God, encreasment of justice and all verteu. And thus, richt excellent, richt hie, and michti Prince, we pray God Almyty to have zou in his tuitioun. Gevin at Edinburgh, the 19th day of Jan. M.D.XLIII zeris. Zour Gracis humble Cousin, with leful service.

IX.—LETTER OF KING HENRY OF FRANCE TO THE ESTATES OF SCOTLAND.¹

HENRY par la Grace de Dieu Roy de France, à nos tres chers et tres amez cousins et grands amis les Princes de trois Estats du Royaume d'Escosse, salut. On scait assez la grande parfaite et inviolée amitié qui a esté de tout temps entre les deux Royaumes de France et d'Escosse, et les dignes notables et memorables bons effects et demonstrations que les Roys nos ancestres et administrateurs de ces deux couronnes ont faictes et exercées reciproquement et à l'endroit les uns des autres, pour tesmoin et signe apparent de l'integrité de leur ditte amitié tant liée, et enracinée et assurée que chascun a tousjours tenu et réputé leurs affaires communes et une mesme chose: Ce que de nostre part nous avons depuis nostre advenement à nostre couronne saintement observé, et aussy trouvé qu'il a esté fait le semblable du costé de la chose qui nous a meu à desirer pour la fortification et corroboration d'icelle, ne perdre l'occasion que se presenteroit comme il faut penser par la grace de Dieu, du mariage que nous sembloit grandement sortable de nostre tres cher et tres amé fils le Dauphin, et de nostre tres chere et tres amée soeur et fille la Dame Reyne d'Escosse vostre Sovueraine, dont les — propos ont esté tellement mis en avant que du commun accord et consentement de nostre tres chere et tres amée soeur la Reyne Douairiere, Regente d'Escosse, sa mere, et de vous, la ditte Dame jeune Reyne à esté apportée par deca pour le dit effect, ou elle à prins telle nourriture auprès de nostre tres chere et tres sainte com-

¹ MS. Lawyers' [Advocates'] Library [Edinburgh.]

pagne la Reyne, qui avec ce que la nature luy avoit donnée pour le sang et grand lieu dont elle est sortie a tant assemblée de vertues et rares qualitez, qu'il nous a grandement despleu que l'age de nostre dit fils n'a permis que plustost, s'en asseurant l'effect capable de contracter et promettre ce qui est sur ce necessaire, et que nous avons deliberé suivant les dits premiers propos, si nostre ditte bonne soeur la mere et vous l'avez agreable, dont nous la prions et * * * tres affectueusement faire et solemnizer comme il appartient les fiancailles par parolles de present de nostre dit fils et de la ditte jeune Reyne vostre Souveraine, le jour des Roys, sixieme jour de Janvier prochain en nostre ville de Paris, et que nous desirons que vous et ceux de principaux de vous que vous voudrez choisir soyez presens et assistiez à la ditte solemnité. Nous avons bien voulu par ces presentes en advertir, prier et admonester vouloir estre contens deputer et faire election d'aucuns de vous, pour audiet jour vous trouver en nostre ditte ville de Paris, pour le dit effect avec povoir necessaire pour traicter, passer, consentir, et accorder les conventions, points et articles en tel cas accoustumez, estant asseurez d'estre les tres biens venus, et que de la consommation d'iceluy mariagé qui se fera a l'aide de Dieu peu de temps apres, et selon la capacité de l'age de nostre dit fils, vous et tout le dit Royaume d'Escosse vous recevrez à l'advenir tant d'heur, de bien, consolation et bon traitement, que vous en aurez et les vostres à perpetuité tres digne contentement; et estans ces dits deux Royaumes ainsy unis et attachez plus estroitement ensemble comme ils seront par ce ditte alliance, en redondra le bien, seureté et protection mutuelle telle qu'ils en seront à jamais en plus grand repos, et hors de tout danger de ceux qui voudroient quelque chose entreprendre au prejudice d'iceux. Donné à Saint Germain en laye le trentiesme jour d'Octobre l'an de grace mil cinq cens cinquante sept, et de nostre Regne le unzieme. HENRY. Par le Roy, de L'AUBESPINE.

X.—APPROBATION, ETC. OF THE SCOTTISH COMMISSIONERS,
ETC.¹

THE quhilk day,² eftir the presenting of the maist Cristin

¹ Records of Parliament.—[Acta Parl. Scot. folio, vol. ii. p. 504, 505.—E.]

² [The 29th of November 1558.]

King of France, and the King Dolphine, and the Quenis Grace oure Soverane Lady severale writtingis, direct unto the thre Estatis of this Realme, of the daittis respective the 25th and 26th of Junii, the zeir of God one thousand five hundred and fiftie aucht zeris, ane maist reverend and venerable Fatheris in God, James Archbischope of Glasgow,¹ James Commendatare of Sanct Androiss, George Lorde Seytoun, and Johnne Erskin of Dun, foure of the Commissionaris directit, with umquhile ane reverend in God, Robert Bischope of Orknay, nobill and mychtie Lordis, George Erle of Rothes, Gilbert Erle of Cassillis, and James Lord Flemyng, be the thre Estatis of this Realme, to pass to oure Soverane Lady, to knaw hir Hieness pleasure anentis hir mariage, to be contractit, endit, and solempnizat with the Dolphine of France, according to the desyir of the maist Cristin King of France speciale lettres and writtingis direct unto the forsaidis thre Estatis of this Realme, for accomplishment of the said mariage: Lykeas the said writting, of the dait at Sanct Germanis in Lay, the twentie-nynth² of October, the zeir of God one thousand five hundred and fiftie-sevin zeris, presentit in the Parliament haldin at Edinburgh the 14th day of December the zeir of God forsaid, mair cleirly proportis; and the saidis hale Commissionaris to follow the instructionis gevin unto thame to our Soverane Lady, for hir Hieness declaratioun, gude mynd and will, towart the mariage of hir Grace with the said Dolphin: And hir Grace being content thairwith, to schaw unto hir Hieness thair commission, instructionis, and informationis thai had unto the said maist Cristin King, for contracting and compleiting of the said mariage: And heving hir Grace of mynd and affectit to the compleitting of the said marriage, to desyir hir Hieness, with aviss of hir curatouris befor the mariage, and eftir the mariage be the aviss of my Lord Dolphine hir spous, and the said maist Cristin King, his lauchfull administrators, and his curatouris gif he ony hes, to ratify and appreif the Act made at Haddintoun of the dait the sevin day of July, the zeir of God one thousand five hundred and fourty aucht

¹ [James Beaton, Archbishop of Glasgow, nephew of Cardinal Beaton.—E.]

² This is a mistake for the 30th day, as appeareth by the above letter itself.

zeiris; ane uthir Act of Parliament made at Edinburg the fourteen day of December, the zeir of God one thousand five hundred and fiftie sevin zeiris; and commissionis send with the commissionaris foresadis for accomplishment of the said mariage, as done for hir Hieness wele and honor; and of new to contract, aggre, and obleiss hir self and hir successouris, that sche, hir airis and successouris, sall observe and keip the fredomes, liberteis, and privilegeis of this realme, and lawis of the samyn, sicklike and in the samyn manner as hes bene keipit and observit in all kingis tymes of Scotland of before. And thairefter to desyre our Soverane Ladie, with consent of the Daulphin hir spous, to make ane commissioun of Regentrie in the maist ample forme, unto hir deirist moder the Quenis Grace now Regent of this realme, induring the absence of thame and thair successioun. And consequentlie, our Soverane Ladie being contentit and applesit of the said mariage, gaif uthir articlis following to be usit be the saidis commissionaris in the contract making of the foirsaid mariage; that is to say, to schaw unto the maist Cristin King the declaratioun of the thrie Estaitis of this Realme, and thair gude will evir remanand as thai begouth (began) anent the said mariage; and how thai in Parliament foirsaid gaif thair commissioun to the saidis commissionaris, to consent to the completing of the said mariage, be the wordis of the present; and to aggrie, in thair name of new, to the first consent and act maid in the Parliament haldin at Haddingtoun the 7th day of July, the zeir of God foirsaid; and to ratifie and appreif, consent, and of new aggrie to the said act maid at Haddingtoun, and contentis thairof, concernyng thair parte. And thairefore to desyir and contract the premissis, and the contentis of the said Act, in sa far as concerns the Kingis parte, to be ratifeit and apprevit, and of new contractit, aggreit, and consentit unto reciproquillie, be his Majestie and my Lord Daulphin his sone, for thame and thair successouris; and to provyde, in cace of deceiss of our Soverane Ladie without airis of hir awin bodie, than the richtius blude of the croun of Scotland, to succeid without ony impediment, bot to be aydit, fortifyit, and supportit be the Kingis Majestie and his successouris; and all the auld ligis, in that cace, to stand in effect as thai wer before the completing of the said

mariage, and observit betuix the twa Realmis. And mairat-tour, to desyir certane dowery to be gevin to oure Soverane Lady, with the advantage, and to be constitute, namyt, and assignit in speciall places within the Realme of France maist convenient, quhairintill oure Sourane Lady salbe repute and haldin seisit, now as than, and that as now, to be breukit be hir Hieness, but ony interpellatioun or denuntiatioun; and als to knaw and desyre quhat salbe gevin to my Lord Daulphine for his leving, and quhat salbe gevin to oure Soverane Lady to hir leving of France during the time he is Dolphine, and quhat eftir his deceiss, he deceissand King of France, in caiss sche leve eftir him, and securitie to be maid heirupon accordinglie. And alsua, in caiss oure Soverane Ladie leif eftir my Lord Dolphine, hir Hienes to have fre optioun and choise to remane, or retorne gife sche plessis in this realme, and to marye gife sche plessis be the avyse of her Estatis, and to brouke and joiss hir dowerye and advantage quhair sche passis or remanis. And last, gife hir Hieness has successioun of hir persoun airis maill, that that air or airis maill brouk baith the realmes of France and Scotland, with denominatioun of baith thair stylis and ber-ing of thair Armes. And gife of hir or hiris, mediatlie or immediatlie airis bot female, quhilkis be the lawis of France are secludit to succeid to the Croun thairof, bot men, and aucht succeid to the Croun of Scotland be the lawis of the samyn, to desyir certane inheritance of the King of France, to remane with the said dochter Quene of Scotland, according to the custume of dochteris within the said Realme, like as in the commissionis, articlis, and instructions gevin unto the Commissionaris abovementionat, at mair lenth is contenit. Quhilkis foure Commissionaris being directit with thair colleges foresaidis, and now reportand thair commissionis, the said umquhile reverend Fader being deceissit, and the Erls of Rothes, Cassillis, and the Lord Flemyng, zit remanand in the partis of France, schew and presentit in presens of the thrie Estatis of this rynnand Parliament, thair foirsaid commissionis, speciall articlis and instructionis, gevin unto thame be the thrie Estaitis in the last rynnand Parliament of the dait foirsaid; and according thairto, producit the answeris, and securiteis of thair saidis commissionis, articlis, and

instructionis gevin unto thame, dewlie and perfytlie endit, be the said maist Cristin King, oure Soverane Lady and King Dolphine, respectivè. The quhilkis answeris and securiteis, for fulfilling, and keiping, and observing thairof, ar decernit and ordanit be the Quenis Grace and thrie Estaitis of Parliament to be registrat in the buiks of Parliament *ad perpetuam rei memoriam*. And thairfore the said James Archibischope of Glasgow, James Commendatare of Sanct Androis, George Lord Seytoun, and Johnne Erskin of Dun, foure of the commissionaris foirsaidis, for thame selfis, and in name and behalf of thair saidis colleigis, desyrit and desyris the Quenis Grace and Regent of this Realme, and thrie Estaitis thairof, to declare, be Act in this present rynnand Parliament, gif thai dewlie and detfullie hes performit thair Commissionis, Articlis, and Instructionis gevin unto thame, berand, as said is, efter the forme and tennour of the samyn in all poyntis ; and sua being fundin, thai and thair colleiges before reheirsit to be exonerit and dischargit thairof. Quhilkis Commissionis, Articlis, and Instructionis, with the answeris and securiteis thairof, reportit be the saidis Commissionaris, berand as is particularlie above exponnit, being harde, sene, red, understand, and thairwith maturlie and degestlie awysit ; the Quenis Grace Dowriare and Regent foirsaid, and the thre Estaitis of Parliament, findis and declaris the saidis Commissionaris abovewrittin, and thair colleigis, hes dewlie and detfullie compleitit and performyt the haill contentis of thair Commissionis, Articlis, and Instructionis gevin unto thame, and hes ressavit detfull and dew answeris, and sufficient securiteis, for fulfilling, keiping, and observing thairof ; and hes satisfyit thair said Commissionis, Articlis, and Instructionis foirsaidis, in all poyntis eftir the forme and tennour of the samyn. And thairfore hes exonerit and dischargeit, and exoneris and dischargeis the saidis Commissionaris, and every of thame, hevand detfullie and dewlie done thair offices in that parte, for now and evir.

XI.—CONTRACT OF MARRIAGE, ETC.¹

TRES hault, tres excellent et tres puissant Prince, Henry

¹ Records of Parliament.—[Acta Parl. Scot. folio, vol. ii. p. 511-514.—E.]

par la grace de Dieu Roy de France, tres haulte, tres excellente et tres puissante Princesse Catherine par la mesme grace Royne de France, Et tres hault, et tres excellent Prince Francois Daulphin de Viennois leur filz aîné d'une part; et tres haulte et tres excellente Princesse Marie aussy par la grace de Dieu Royne d'Escosse, haulte et puissante Dame Anthoinette de Bourbon, Duchesse Douairiere de Guise ayeulle maternelle de la ditte Dame Royne d'Escosse, tant en son nom que comme Procuratrice de tres haulte et tres excellente Princesse Dame Marie de Lorraine a present Royne Do uairiere Regente au Royaume d'Escosse sa fille; et les reverendissime et reverends Peres en Dieu Jacques Archevesque de Glasgow, Robert Evesque des Orchades, nobles et puissans Seigneurs George Comte de Rothesse, Gilbert Comte de Casselles, Jacques Prieur Commendataire du Prieuré Conventual de St André, Jacques Seigneur de Flemyng, George Lord de Seton, et Jean Erskin Sieur de Dun, pour et au nom des Estats du Royaume d'Escosse d'autre part, ont esté presens en leur personnes, disant les dits Seigneurs et Dame Roy et Royne, que les considerations et amitez de tout temps establies et continués entre les Royaumes de France et d'Escosse, estoient notoires cognues à un chascun, et en estoient les preuves si manifestes, et les demonstrations tant certaines qu'il n'est possible de plus, dont s'est accreue l'entiere et parfaicte benevolence que se sont naturellement porté lez Roys des dits Royaumes de France et d'Escosse qui ont regné jusques a present, les quels ont toujours estimé les affaires propres des ungs estre communes aux aultres, jusques à avoir des et depuis huict cens ans en ca, voulu suivre et courir une mesme fortune, non seulement en temps de paix, mais aussy aux plus grands perils et hazards de la guerre. Pour l'entretènement et accroissement de laquelle amitié, deffunct de bonne et louable memoire le Roy Francois dernier decedé, que Dieu absolve, auroit donné en mariage sa fille aînée, à feu de bonne memoire Jacques cinquiem Roy d'Escosse; et estant le mariage dissolu par la mort de sa ditte fille voulant renouveler ceste alliance, et à tousjour continuer leur commune et parfaicte amitié, luy auroit depuis donné en mariage la susdite Dame Marie de Lorraine a present Royne Douairiere et Regente en Escosse, duquel mariage seroit issue la Royne du dict

Royaume d'Escosse a present regnant ; et advenu le decès du dict Roy Jacques, le Roy continuant et succedant en la devotion du feu Roy Francois son pere auroit prins en sa protection ledit Royaume d'Escosse lors invahy, infesté et assailly par les Anglois anciens et communs ennemis de l'un et de l'autre Royaume, et pour empescher que la ditte Dame Royne d'Escosse estante lors delaissée ez premiers ans de son enfance, ne tombast en leur mains et puissance, elle auroit esté du consentement de la ditte Reyne Douairiere sa mere, et des Estats dudit Royaume d'Escosse ammenée en son enfance en ce Royaume, en intention et propos d'en faire mariage, au jugement d'un chascun grandement sortable, avec mon dit Seigneur le Dauphin leur fils aîné ; depuis lequel temps la ditte Dame Reyne d'Escosse auroit prins telle nourriture aupres de la Reyne, et avec l'âge seroit tellement accreue en bonnes moeurs, louables et recommandables vertus, que les dits Seigneur et Dame Roy et Reyne voyant à present mondit Seigneur le Dauphin et elle avoir atteint l'âge competant et capable, auroient esté plus que deuant meuz et incitez à avancer la perfection et consommation de leur mariage, à laquelle fin seroient venuz et passez en ce Royaume les Seigneurs dessus nommez commis et deputez des Princes et gens de trois Estats dudict Royaume d'Escosse, et sondez de pouvoir et procuration suffisant quant à ce : Dont les copies seront inferées en la fin de ces presentes lesquels auroient receu en grand honneur le bon plaisir desdits Seigneur et Dame Roy et Reyne requis, consenty et accordé icelluy mariage suivant le traitté cy deuant fait a Hadington le septieme Juillet mil, cinq centz, quarante huict. Lequel a esté par les partyes respectivement approuvé et ratifié ; et apres amplement conferé selon leurs charges et instructions avec la ditte Dame Reyne d'Escosse leur Souveraine, et entendu son vouloir et intention, ensemble l'advis de la ditte Dame Duchesse Douairiere de Guise, avec lequel ils se seroient de puis assemblez en presence de tres hault et tres excellent Prince Antoine par la grace de Dieu Roy de Navarre, de Messeigneurs les Cardinaux de Lorraine, de Sens, Garde des Sceaux de France, de Chastillon et de Guise, Monseigneur le Duc de Guise, Monsieur le Mareschal de Brisac, du Sieur du Mortier, des Archevesque de Vienne et Evesque d'Orleans, et du Sieur d'Avanson Conseillers au

conseil Privé de sa Majesté, et par elle commis et deputez pour traiter dudit mariage, pour l'accomplissement duquel ont esté concluds et arrestez les traictée, promesses et pactions qui s'ensuivent.

C'est scavoir que mondit Seigneur le Daulphin prendra la Reyne d'Escosse pour Espouse, et par luy de mariage. Et la Reyne d'Escosse prendra a mary et Espoux mondit Seigneur le Daulphin sollemnellement en face de Sainte Eglise dimanche prochain, vingt quatriesme jour de ce present mois d'Avril, et seront uns et communs comme Prince et Princesse de leur qualité doivent et ont accoustomé d'estre en tous biens et choses esquelles communaulté peut estre et escheoir, par les loix et statuts de France. En faveur duquel mariage les dits Seigneur et Dame Roy et Reyne, et mondit Seigneur le Dauphin de l'auctorité du dit Seigneur Roy, ont constitué à la ditte Reyne d'Escosse douaire de soixante mil livres Tournois, au cas que mondit Seigneur le Daulphin vienne à la Couronne et predecadast estant Roy de France, ou autre tel et plus grand douaire que se trouvera avoir esté baillé à la Reyne de France, au choix et election d'icelle Dame Reyne d'Escosse, et au cas quil predecadast estant Daulphin, trente mil livres Tournois, le tout de rente et revenu par chascun an en assiette commune et convenable, lequel douaire ont dés à present assis et assigné, en et sur la Duché, Comté, terres et seigneuries de Touraine et Poictou, et de proche en proche pour jouyr par la ditte Dame Reyne d'Escosse, par ses mains ou de ses gens et officiers sitost que douaire aura lieu, sans autre interpellation et denonciation dont à cest fin dés à present comme des lors, et des lors comme des à present elle sera et est par ses presentes saisie, selon toutes voyes l'evaluation qu'en sera faite le douaire escheant, à la charge de la retranche, si plus lors vallent les dittes terres, et de l'augmentation de proche en proche si moins elles vallent, et ce avec tous droits de presentation, nomination, et collation respectivement, des benefices, offices, et aultres profictz, revenus et emoluments dependans des terres et seigneuries de Touraine et Poictou, et aultres terres qui lui seront baillées de proche en proche, tout ainsy et en la forme et maniere qu'en a dernièrement jouy à pareil tiltre la feu Reyne Leonor Douairiere de France, et a le Roy promis qu'il entertiendra bien et honorable-

ment mondit Seigneur le Dauphin, et la ditte Dame Reyne d'Escosse, de sorte que la Reyne Douairiere Regente et les Seigneurs des Estats d'Escosse auront occasion de contentement, dont les Deputez des Estats dessus nommez se sont contentez par le commandement de la ditte Reyne d'Escosse leur Souveraine.

Et a esté accordé qu'au cas que la ditte Reyne d'Escosse survive mondit Seigneur le Dauphin, elle pourra demeurer en France, ou retourner en son Royaume avec ces serviteurs et officiers à son choix et option, et se marier comme elle verra bon estre par l'advis de ses Estats d'Escosse et s'emportera ses deniers, vaisselle, bagues, joyaux, habillemens, meubles pretieux, biens et autres choses que les Reynes de France doivent et ont esté accoustomé d'avoir après le trespas des Roys de France leurs maris, et jouyra de ses droicts et assignaux soit qu'il y ayt enfans ou non.

Plus a esté accordé qu'au cas que du mariage procede hoir ou hoirs masles, l'aisné ou qui representera l'aisné aveque le Royaume de France succedera au Royaume d'Escosse, et prendra les armes des deux Royaumes liez ensemble et sous mesme Couronne, et si d'icelluy mariage n'y a que fille ou filles, l'aisnée ou qui representera l'aisnée succedera audit Royaume d'Escosse, et sera mariée tant par l'advis du Roy de France que sera lors, que de trois Estats du dict Royaume d'Escosse; et neantmonis, lesdits Seigneur et Dame Roy et Reyne, et mondit Seigneur le Daulphin ont voulu et promis, tant pour eux que pour leurs successeurs que la fille que sera ou representera l'aisnée ayt en autre en dot et mariage la somme de quatre mil cens ecus soleil, et chascune des puisnées trois cens mil ecus soleil, et ce pour tous droicts successifs qu'elles pourroient pretendre ez biens paternels et ceux de leur ayeul ou ayeulle: moyennant lesquelles choses et chascunes d'icelles, les Seigneurs deputez cy dessus nommez, ont promis et se sont obligez de faire et prester du nom des Estats d'Escosse incontinent après le mariage solemnise, le serment de fidelité à mondit Seigneur le Daulphin à cause de la ditte Royne sa Compagne et Consort, leur Souveraine durant et constant leur mariage, et en ce respect, les servir, obeyr, et honnorer, ensemble l'hoir, issu et procréé du mariage auquel adviendra le Royaume d'Escosse, tout ansy comme ils et leurs predecesseurs ont loyellement servy

et honoré les nobles progeniteurs et antecesseurs de la ditte Reyne d'Escosse.

Et si a esté accordé par le Roy et par la ditte Dame Royne d'Escosse, que mondit Seigneur la Dauphin portera le nom et tiltre de Roy d'Escosse, et portera ses armes escartellées avec celle d'Escosse, et advenant qu'il fust Roy portera les tiltres et armes des deux Royaumes liez sous mesme Couronne. Toutes lesquelles choses et chascune d'icelles les comparans et chascun d'eux ez noms que dessus, ont promis et juré en leur foy respectivement et chascun endroit foy, tenir, observer et accomplir selon leur forme et tenur sans y contrevenir aucunement, sous l'obligation et hypothèque de tous et chascun leurs biens presens et à venir : et pour l'exécution de ces presentes en attendant la solemnization du mariage en face de sainte Eglise, mondit Siegneur le Dauphin de sa pure et franche volonté, du gré vouloir et consentement des dits Seigneur et Dame Roy et Royne ses pere et mere, et deuement auctorisé dudit Seigneur Roy a des present, prins et prend par parolles de present la Reyne d'Escosse à femme, Espouse et compaignie legitime, et par semblable la ditte Reyne d'Escosse de sa pure et franche volonté, et par l'advis de la ditte Dame Duchesse Douairiere de Guise, et des deputez de ses estats ez noms que dessus à ce presens et assistans, a prins et prend par parolles de present mondit Seigneur le Dauphin pour son Seigneur, Mary et Espoux legitime, et ont toutes les partyes accordé ces presentes (qui seront expediées doubles) estre mises ez tresors des Chartres de chascun des Royaumes, apres avoir esté registrées ez registres de la Cour de Parlement et Chambre de Comptes de Paris, et au Conseil du Senat d'Escosse : et pour plus grande approbation les ont signées doubles de leurs mains, et ont voulu et accordé respectivement icelles estre receuées, passées et expidées, et delivrés à chascune des parties par nous subsignez Notaires et Secretaires de la Couronne de France signants en estats et commandemens : à ce presens et assistans tres haults et tres puissans Princes, Messeigneurs Charles Maximilian Duc d'Orleans, Alexander Edouard Duc d'Angouleme fils du Roy, tres haultes et tres excellentes Princesses Mesdames Elizabeth et Claude filles du Roy, Madame Marguerite soeur du Roy, Duchesse de Berry, et tres haults et tres puissans Prince et Princesse

Anthoine et Jeanne par la grace de Dieu Roy et Reyne de Navarre; Messieurs les reverendissimes Cardinaux de Lorraine et de Bourbon, de Sens, Garde des sceaux de France, de Chastillon et de Guise; tres hault et tres puissant Prince Monseigneur Charles Duc de Lorraine et de Bar, Messieurs les Princes de Condé, Ducs de Guise, de Nemours, de Nevers, d'Aumalle, et Comte d'Arran; Mesdames la Duchesse de Touerville, Princesse de Condé, de St Paul, de Guise, de Nevers, d'Aumalle et de Valentinois, et autres Ducs Seigneurs, Chevalliers de l'ordre, et gens du Conseil privé du Roy. Mr Anthoine Minard, President en la cour de Parlement à Paris, Curateur de la ditte Dame, Mr Yves de Rublay Garde des sceaux de la ditte Dame, et autres de son Conseil. Faict à Paris le dixneuvieme jour d'Avril 1558.

*Commission by the Estates of Scotland to certain of their number to go into France, there to negociate the marriage of the young Queen Mary with the Dauphin.*¹

UNIVERSIS et singulis præsentibus inspecturis, nos Prælati, Proceres et Communitates totius regni Scotiæ statûs, Salutem. Vobis notum esse volumus et attestamus, nos præsentium vigore et serie facere, constituere et solenniter ordinare reverendissimum et reverendos in Christo Patres et Dominos, Jacobum Archiepiscopum Glasguensem, Davidem Episcopum Rossensem,² serenissimæ Dominae nostræ Reginae Secretarium primum, Robertum Episcopum Orchadensem, nobiles et potentes Dominos Georgium Comitem à Rotheys, Dominum Lesly, Gilbertum Comitem à Cassillis, Dominum Kennedy, dictæ serenissimæ Dominae nostræ Thesaurarium, Jacobum Commendatarium Sancti Andreae, Jacobum Dominum de Flemmyng, Georgium Dominum de Seytoun, et Joannem Erskin de Dune, nostros legitimos irrevocabiles Procuratores, Commissionarios, et Mandatarios speciales et generales, cum potestate iisdem nostris Commissionariis et eorum quibusvis sex, quinque aut quatuor conjunctim, pro

¹ Records of Parliament.—[Acta Parl. Scot. folio, vol. ii. p. 514.—E.]

² [David Paniter or Panter, Bishop of Ross, Secretary of State.—E.]

nobis et nostro nomine, cum Christianissimo et potentissimo principe, Henrico Galliarum rege, et serenissimo Delphino ejus filio primogenito, aut cum aliis quibuscunque illorum auctoritate legitimâ et potestate ad hæc suffultis, diebus et locis congruis in oppido Parisiorum, aut alibi ubivis intra regnum Galliæ, de et super universis rebus, punctis, articulis, modis et circumstantiis, quæ sponsalia, nuptias et matrimonium inter illustrissimam et serenissimam Dominam nostram Mariam Reginam Scotorum, et serenissimum Delphinum Franciæ præfatum, contrahendum, ineundum, celebrandum et consummandum, quovis modo concernere poterunt, aut eò de jure videbuntur spectare, conveniendi et diffiniendi: nec non super eisdem sponsalibus, nuptiis et matrimonio accessoriis, dependentiis et appendicibus earundem, omnibusque solemnitatibus, circumstantiis et modis, qui in hujusmodi fieri solent, aut consueverunt, aliisque rebus omnibus et singulis, quæ rempublicam regni Scotiæ, leges, jura, libertates, immunitates et privilegia ejusdem concernunt, aut quoquo modo tangunt: nec non super antiqua inter hæc regna necessitudine, fœdere, amore, benevolentia, conjunctionibus et amicitiiis, tractandi, consentiendi, concludendi et consummandi; et generaliter universa alia et singula rempublicam regni Scotiæ, leges, jura, privilegia, libertates et immunitates ejusdem concernentia, et tangentia, agendi, exercendi, et procurandi: Firmum ratum et gratum perpetuò habituri quicquid per Commissionarios nostros hujusmodi, aut eorum sex, quinque aut quatuor conjunctim actum, seu gestum fuerit in præmissis, sub pignore et hypotheca bonorum nostrorum omnium mobilium et immobilium, præsentium et futurorum. In cujus rei fidem, has literas nostras commissionis chirographis sex præcipuorum unius cujusque Ordinis signatas, sigillis eorundem vice et nomine nostrorum omnium fecimus corroborari in oppido Edinburgi, die decimo quarto mensis Decembris, anno Domini millesimo quingentesimo quinquagesimo septimo. JAMES HAMMILTOUN; JOANNES, Archiepiscopus Sancti Andreæ; GEORGE, Erll of Huntly; ARCHIBALD, Erll of Argill; R. Dunkell; PATRICIUS, Moraviensis Episcopus; WILELMUS, Episcopus Aberdonensis; ANDREAS, Candidæ Casæ Episcopus; GEORGE, Erll of Erroll; JAMES, Erll of Bothwell; DAVID, Erll of Crawford; W. Episcopus Dumblanensis; ROBERT FOR-

REST, Provost of Sterling; JAMES HALIBURTON, Provost of Dundee; THOMAS MENZIIS, Provost (he was Provost of Aberdeen); JAMES DANIELSTON, Provost, Lynlytgow; JACQUES MAKGILL, Registrarius; GUTHRIE, Scriba curiæ Burgi de Edinbourg; ELDAR, Scriba de Pert.

*The Queen's Commission to the same persons, to act for her in the intended Marriage.*¹

MARIA, Dei Gratia Regina Scotorum: Universis et singulis, præsentibus nostras literas visuris, lecturis et audituris, Salutem. Quandoquidem cum pupillarem adhuc ætatem ageremus in parlamento, seu concessu trium Ordinum regni nostri, habito Hadintonæ, septimo Julii, anno Domini millesimo quingentesimo quadragesimo octavo; comparens quondam honorabilis vir Andreas Dominus Montallembert et Dessy, ac navalium Gallia præfectus locum tenens generalis exercitus Christianissimi Regis Galliarum, nostri patris, in regno nostro militantis, ejusque Commissionarius specialis exposuit et declaravit, Christianissimum pro singulari quadam affectione et amore, quo ipse erga rempublicam regni nostri et nos afficiebatur, subsidium militum non modicum tunc misisse, majus etiamnum brevi postea missurum si opus esset, ut nobis ad reprimendum nostros antiquos et veteres hostes opportunum videretur. Et deinde idem Dessy nomine, mandato et vice dicti Christianissimi, quo vivo, ut perfectius et pignus insolubile æternæ amicitiae et foederationis regnorum verisimilius permoneret, ac ut honori perpetuo et commodo utriusque populi consuleretur, petiit nuptias nostras serenissimo Delphino Franciæ, utque nos illi quam primum per ætatem liceret, matrimonio jungeremur, postulavit; et quia petitione hujusmodi sic in præsentia nostræ clarissimæ matris Dotariæ regni, et domini Doysel Oratoris Christianissimi, ea tempestate in Scotia agentis facta, illustris Princeps et consanguineus noster Jacobus Comes Arraniæ, noster et regni tutor, cum consensu trium ordinum seu statuum dicti nostri regni anuuerint, et ut eadem suum effectum sortiretur quum primum nos ad ætatem maturam pervenissemus, consenserunt eodem sub modo et forma, quo in acto

¹ Records of Parliament.—[Acta Parl. Scot. folio, vol. ii. p. 513.—E.]

ejusdem Parlamenti, super hoc edito plenius enarratur, et insuper quia iidem tres ordines nostri regni per literas Christianissimi, haud ita dudum certiores facti, intellexerunt Delphinum Franciæ eam jam ætatem attigisse, qua matrimonium hujusmodi consummare de jure posset, et ob id Christianissimum desiderare, ut quidam præcipui viri nostrorum ordinum designentur, qui sponsalibus, nuptiis et matrimonio nostris in hujusmodi interesse debeant, autoritate legitima et potestate conjuncti, ad nostro nomine tractandum, consentiendum et concludendum super punctis, articulis, modis et conditionibus in hujusmodi requisitis et consuetis: Nos igitur præsentium tenore et serie facimus, creamus et ordinamus nobilissimam, illustrissimam et potentissimam Antho-
niam a Borbonio, Ducissam a Guysia aviam nostram charissimam, reverendissimum et reverendos in Christo Patres, Jacobum Archiepiscopum Glasguensem, Davidem Episcopum Rossensem Secretarium nostrum primarium, Robertum Episcopum Orchadensem, dilectos consanguineos nostros Georgium Comitem a Rothés, Dominum Lesley, Gilbertum Comitem a Cassillis, Dominum Kennedy, Thesaurarium nostrum, Jacobum Commendatarium Prioratus Sancti Andreae, Jacobum Dominum Flemyng, Georgium Dominum de Seytoun, et Joannem Erskinum de Dun; cum potestate iisdem viris commissariis, et eorum quibusvis sex, quinque aut quatuor conjunctim, pro nobis et nostro nomine, cum Christianissimo Patre nostro Galliarum rege, et serenissimo Delphino ejus filio primogenito et aliis quibuscunque illorum, auctoritate legitima et potestate sufficienti, diebus et locis congruis in oppido Parisiorum, aut alibi ubivis intra regnum Galliæ, de et super universis rebus, punctis, articulis, modis et circumstantiis, quæ sponsalia, nuptias et matrimonium inter nos et Delphinum Franciæ contrahendum, ineundum, celebrandum et consummandum quovis modo concernere poterunt, aut eo de jure videbuntur spectare, conveniendi et differendi: Nec non super iisdem sponsalibus, nuptiis et matrimonio accessoriis, dependentiis et appendicibus eorundem, omnibus solemnitatibus, circumstantiis et modis, qui in hujusmodi fieri consueverunt, aliisque rebus omnibus et singulis quæ rempublicam regni nostri, leges, jura, libertates, immunitates et privilegia ejusdem concernunt, aut quoquo modo tangunt: Nec non super antiqua inter hæc regna

necessitudine, foedere, amore, benevolentia, conjunctionibus et amicitiiis tractandi, consentiendi, concludendi et consummandi; et generaliter universa alia, et singula faciendi, gerendi, exercendi, et utendi, quæ in præmissis, et circa ea necessaria fuerint, seu quomodolibet opportuna. Ratum et gratum habentes et habituras totum id, et quicquid dicti nostri Commissionarii, et eorum quicumque sex, quinque aut quatuor conjunctim, pro nobis et nomine nostro, in præmissis ritè duxerint faciendum. In cujus rei fidem et testimonium, præsentibus manu nostra subscriptis magnum sigillum nostrum apponi fecimus, apud castrum Fontis Bleandi, die decima sexta mensis Martii, anno Domini millesimo quingentesimo quinquagesimo septimo.

XII.—OATH OF FIDELITY BY THE SCOTTISH COMMISSIONERS,
IN NAME OF THE ESTATES OF SCOTLAND, TO THE DAUPHIN
OF FRANCE AS KING OF SCOTLAND, ETC.¹

ATOUS ceulx, qui ces presentes lettres verront scavoir saisons, que nous subsignez Ambassadeurs, Commis et Deputtez des trois Estats du Royaume d'Escosse, pour les conventions, pactions et accords du mariage á present contracté, célébré, et solennisé entre tres illustre et tres excellent Prince, Roy d'Escosse Dauphin de France d' une part, et tres haute et tres excellente Princesse la Reyne d'Escosse, Dauphine de France d'autre part, avons fait et presté faisons et prestons pour et ez noms des dits Estats d'Escosse, le serment de fidelité sur les^s Saintes Evangiles audit Seigneur Roy Dauphin, á cause de la ditte Dame Reyne Dauphine nostre Soveraine son Espouse et Compaigne, et en ce respect promettons et obligeons ez dits noms le servir, obeyr et honnorer, durant et constant ledit mariage, ensemble l'hoir issu et procréé d'iceluy mariage auquel aviendra le Royaume d'Escosse, tout ainsy comme nous et nos predecesseurs ont loyauement servy et honoré les nobles progeniteurs et antecesses de la ditte Dame Reyne d'Escosse nostre Souveraine. Et pour attestation, et plus grande approbation de ces presentes, nous les avons signez de nos signes manuels, et scellées de nos sceaux, ce jour d'huy vingt

¹ MS. Lawyers' [Advocates'] Library [Edinburgh.]

huictiesme jour d'Avril, mil cinq cens cinquante huict, Estans au Chasteau du Louvre, en la chambre de la ditte Dame Reyne Dauphine á Paris. En la presence de Nosseigneurs le Cardinal de Lorraine, le Cardinal de Sens garde de sceau de France, le Seigneur Duc de Guise, le Sieur d'Urfé, et plusieurs autres Seigneurs, Dames et Damoiselles. JA. Archiepis. Glasguensis. Ro. Orchadensis Episcop. JA. Commend. S^{ti} Andreæ. FLEYMING. SETON. J. ERSKYN.

Nota.—By reason that the following Letters, &c. consist promiscuously of matters relating to the Numbers XIII–XXI. of the Appendix, therefore it was thought expedient to insert them here all together.

XIII, XIV, XV, XVI, XVII, XVIII, XIX, XX, XXI.—A LETTER FROM SIR HENRY PERCY¹ CONCERNING THE AFFAIRS OF SCOTLAND.²

AFTER my right humble commendations, this shall be to let you understand that I have conferred with the Duke of Chatterlerault, otherwise called the Governor of Scotland, whom I do find one much desirous of the amity and friendship of England, with a great number of the Nobility of Scotland, as his friends and others.

First, I did break with him what injury he was like to receive for his title of the Crown, by the mariage with France: Who answered, That he could take no damage so long as the title were not present in his hand, but that if it should so chance the right to fall unto him, he doubted not but his friends would, with their lives and goods, defend his title against the French King if he would attempt it, and trusted to have the Queen our Mistris's favour in the same.

Secondarily, I declared unto him that by means of the forts and strengths that they had suffered the French to possess, they were not able to make resistance against them but lived under their thraldom; so that if they minded any displeasures to the French for the saving of their inheritances, being under the governance of their strengths, they durst not attempt any thing to them prejudicial: So that

¹ [Afterwards eighth Earl of Northumberland.—E.]

² Cotton Library, and Lawyers' [Advocates'] Library [Edinburgh.]

I could not see if the Queen our mistris were minded to assist them, that it would be any thing beneficial to them. To this he answered,

That as for the forts they had in their hands, it was not greatly material, first, considering they were not able to maintain these places without victual, munition, and other necessaries, which could not be had but by their assistance. Therefore, to have the strengths and forts of a realm, and not a country to maintain them withal, they would in short time be more weary of the keeping of these places than they annoyed these maintaining there. So that they doubted not but that they would be glad to have a safe-conduct to depart; and principally, if that the Queen of England would assist the Nobility of Scotland, there was not that fort in their hands but in short time they would be glad to render it, or at least wise by force to leave it.

Thirdly, I declared unto him that I could not understand by what means it were possible that the Queen our mistris would or could assist them of Scotland, considering the wars that lately were levied by them, and the maintenance of the French, our Queen's enemies, who be daily annoyers unto our Realm, and likely to oppress and put you to ruin.

To the which he answered, I confess very well these wars betwixt us and your Realm were begun by our Queen Dowager of Scotland, and some Nobility who would seem for to follow the Queen's mind therein, partly trusting for to have recompence for the same, and some others, for mere flattery, provoked her to that folly, but if you will call to remembrance what little attempts have been offered by us the chief of Scotland, as for example, at our last army, which should have been for the winning of Wark,¹ you understood and knew it very well, although the Queen in the pain of our allegiance had commanded us to come to the frontiers, which we could not of duty have denied, and then coming hither unto the frontier, it was proponed to us, that

¹ [The castle of Wark, in the parish and barony of Wark, on the west side of the river Tyne, in Northumberland, near Coldstream. It was several times taken and destroyed by the Scots. George Buchanan, who was present as a soldier at the siege of Wark Castle in 1523, gives a description of it in his "History" (Book xiv. 22), which Pinkerton justly observes "may be applied to Norman castles in general."—E.]

we should attempt the winning of Wark, and the invasion of England, which at that time we knew very well you were not provided nor furnished for us; yet answered we the whole Nobility, that to defend our country we were there, and would spend our lives, but for the attempting of any thing in England, or invasion of the country, we would not do, not understanding by whom, or for what cause, the wars were begun. Wherefore our Queen dispersed her camp in great choler, and partly against her honour. Therefore, may you see what minds we have of ourselves to do you of England any annoyance. And since that time, you know we have not attempted any thing towards your Realm.

Fourthly, I said, My Lord, as I have not authority to debate or resolve of those weighty affairs, yet for the good zeal I bear unto my country, and wish the unity and peace amongst Christians, in my opinion it were a goodly matter to have assured friendship, in what subjection our Realm was in, by our late marriage with the King of Spain, and what inconveniences did follow, as by the intangling us in wars and other like things, and in like case your Realm, which at this present is not void of the like incumbrance, as now ours clearly is; methinks in mine opinion it were a goodly matter if it could be so brought to pass, that you might be clearly out of the subjection of France, and to leave, as you have done heretofore, as a Realm of yourselves.

To the which he answered, As for the incumbrance that you had by your marriage, and now presently we have, it is a thing we would gladly were amended, and yet it is not in our power, until such time as God hath sent the same fortune unto us as hath light upon you, although we would much rejoice if God would send us the same happ; but as for the Christian amity you would were betwixt our Realms, you may be assured that you be no more desirous to have an unity, peace and quietness betwixt these Realms than we be. Therefore, if it can be devised by what means to sett a tranquillity betwixt our two Realms, I and all my friends shall be as much bent thereunto as if I were a subject of England.

Fiftly, I said, My Lord, seeing God hath sent a true and Christian religion amongst you, as now the same I doubt not but shall take effect with us, how could it be better for

the maintainance of God's word, to join with us of England, and we with you in such sort, that if the French King, who is of the contrary, would attempt any thing prejudicial to our Realm, and go about to bring your Realm in such subjection, that of yourselves you could neither command nor direct, that then we should be so confettered together, that his folk were not able to attain to any thing that unto us should not seem well? The which he answered,

Sir Henry Percy, this is the first time that I have spoken with you, but it is not the first conference that hath been betwixt us by message; and both for the House you are come of, and the credit that all men have of you, I will speak my fancy plainly unto. You shall perceive that if I should attempt any thing against our Queen of Scotland, now being heir, it were not possible that I should prevail, although I have many friends, and moreover it should be a great hindrance to my * * Wherefore I will promise you, as partly I have done heretofore, my friendship in these things; first, I would by no means for my part, that there shall any war continue betwixt you and us; secondly, If the French King will enforce us to make any invasion upon you, it shall not be done to his contentation; thirdly, If there be any attempts moved either to Barwick or your Realm of any great importance, it shall be unto you certified, and if you invade us, the French King having any power in Scotland, we shall be glad to do our endeavour that you may have advantage of them; and lastly, If the means can be found that there might be an abstinence taken betwixt us and you, the French King shall not be able to break the same, if you will so continue it; Therefore, as I know it hath been moved unto you the taking of an abstinence, I would wish the same might take effect; and as I have professed friendship to you, you shall be assured of the continuance thereof unto the uttermost of my power, and more than I will speak, if occasion shall serve.

And thus he willed me most earnestly. If I had credit (as he supposed I had), that his lawful friendship should be unto the realm of England known, both in the advancement of the honour of the realm, the maintainance of the Word of God, which he supposeth shall be by the Queen's Majesty sett forth; also he requireth me, for the safeguard of his

honour, that his friendship and good-will might not be known to any more than one, the which I thought I would impart to you, most humbly desiring you to consider his state and honour, and my poor honesty, which lieth only in the secret usage of this matter. I doubt not but you will let the Queen's Majesty understand the contents of this, the which I would have done my self, if it had not been the lack of uniform writing that is in me only, who have never written to any so high and mighty Princess. And as for my Espials, which be sundry, you shall understand that I have had great conference with them of late, the whole sum whereof is to the effect of an abstinence: So that it is too tedious for me to make you understand the whole sum, but as well as I can you shall perceive by this letter sent unto you and Sir William Cecil. Thus I daily wish the increase of your worship. From the Castle of Norham, the 22d of Jany. 1558.

Memorial of Certain Points meet for the restoring of the Realm of Scotland to the ancient weale, written by my Lord Treasurer—i. e. Cecil—with his own hand. 5th August 1559.

IMPRIMIS, It is to be noted that the best worldly felicity that Scotland can have, is either to continue in a perpetual peace with the kingdom of England, or to be made one monarchy with England, as they both make but one Isle, divided from the rest of the world.

If the first be sought, that is, to be in perpetual peace with England, then must it necessarily be provided that Scotland be not so subject to the appointments of France as it is presently; which being an ancient enemy to England, seeketh always to make Scotland an instrument to exercise thereby their malice upon England, and to make a footstool thereof to look over England as they may.

Therefore when Scotland shall come to the hands of a mere Scotsman in blood, then may there be hope of some such accord; but as long as it is at the command of the French, there is no hope to have accord long betwixt these two Realms.

¹ Cotton Library, and Lawyers' [Advocates'] Library [Edinburgh.]

Therefore, seeing it is at the French King's commandment, by reason of his wife, it is to be considered for the weale of Scotland, that until she have children, and during her absence out of the realm, the next heirs to the Crown, being the House of the Hamiltons, should have regard thereto, and to see that neither the Crown be impaired nor wasted. And, on the other side, that the Nobility and commonalty ought to foresee that the laws and old customs of the realm be not altered, neither that the country be impoverished by taxes, imprest, or new imposts after the manner of France; for provision whereof, both by the law of God and man, the French King and his wife may be moved to reform their misgovernance of the realm.

And for this purpose, it were good that the Nobility and Commons joined with the next heir of the Crown to seek due reformation of such great abuses as tend to the ruin of their country, which must be done before the French grow too strong and insolent.

First, That it may be provided, by consent of the three Estates of the land, that the land may be free from all Idolatry, like as England is; for justification whereof, if any free general Council may be had, where the Pope of Rome has not the seat of judgment, they may offer to shew their cause to be most agreeable to Christ's religion.

Next, To provide that Scotland might be governed, in all rules and offices, by the ancient Blood of the realm, without either captains, lieutenants, or soldiers, as all other princes govern their countries, and especially that the forts might be in the hands of mere Scotsmen.

Thirdly, That they might never be occasioned to enter into wars against England, except England should give the cause to Scotland.

Fourthly, That no more Noblemen of Scotland should receive pension of France, except it were whilst he did service in France; for otherwise thereby the French would shortly corrupt many to betray their own country.

Fifthly, That no office, abbey, living, or commodity, to be given to any but mere Scotsmen, by the assent of the three Estates of the realm.

Sixthly, That there be a Council in Scotland, appointed

in the Queen's absence to govern the whole realm, and in those causes not to be directed by the French.

Seventhly, That it be by the said three Estates appointed how the revenue of the Crown shall be expended ; how much the Queen shall have for her portion and estate during her absence ; how much shall be limited to the governance and defence of the realm ; and how many shall be yearly appointed to be kept in the Treasury.

In these and such like points, if the French King and the Queen be found unwilling, and will withstand this provision for the weale of the land, then hath the three Estates of the realm authority forthwith to intimate to the said King and Queen their humble requests ; and if the same be not effectually granted, then humbly they may commit the governance thereof to the next heir of the Crown, binding the same also to observe the laws and ancient rights of the realm.

Finally, If the Queen shall be unwilling to this, as it is likely she will, in respect of the greedy and tyrannous affliction of France, then is it apparent that Almighty God is pleased to transfer from her the rule of the kingdom for the weale of it ; and in this time great circumspection is to be used to avoid the deceits and trumperies of the French.

And then may the realm of Scotland consider, being once made free, what means may be devised through God's goodness, to accord the two realms, to endure for time to come at the pleasure of Almighty God, in whose hands the hearts of all Princes be.

A Short Discussion of the Weighty Matter of Scotland.

August 1559.¹

QUESTION, Whether it be meet that England should help the Nobility and Protestants of Scotland to expell the French, or no ?

That no.—1. It is against God's law to aid any subjects against their natural Princes or their ministers.

2. It is dangerous to do it ; for if the aid shall be no other than may be kept in secrecy, it cannot be great, and so

¹ Cotton Library, and Lawyers' [Advocates'] Library [Edinburgh].

consequently it shall not suffice; if it shall be open, it will procure wars, and the end thereof is uncertain.

3. It may be doubted that when aid shall be given, and money spent, the French may compound with the Scots, and pardon that error, to join both in force against England; which is more easy to be believed, because they had rather make a shameful composition with Scotland, than suffer it to be rejoined and united with the Crown of England.

4. It may be doubted that to stay the progress of religion against the See of Rome, the Emperor, the King Catholique, the Pope and Potentates in Italy, the Duke of Savoy, will rather conspire with the French King, than to suffer these two Monarchies to be joined in one manner of Religion; and in this part may be doubted, that many, as well Scots as English, that can like very well to have these two kingdoms perfectly knit in amity, will not allow them to be knit in a like religion.

That yea.—1. It is agreeable both to the law of God and nature, that every Prince and publick State should defend itself, not only from perils presently seen, but from dangers that be probably seen to come shortly after.

2. Nature and reason teacheth every person, politick or other, to use the same manner of defence that the adversary useth in offence.

Upon these two principles agreed, will evidently follow that England both may and ought to aid Scotland to keep out the French.

The Crown of England hath a just and unfeigned title, of longer continuance than the friendship betwixt Scotland and France, unto the superiority of Scotland, and for the right thereof, it is as good, and in some respect better, than the right of the French Queen to the realm of Scotland, as hereafter shall appear. To prove the antiquity and continuance of the right of this superiority, remain good, ancient, and abundant stories; and, which is the best proof, the authentic and manifest writings under the Seals of Scotland, declaring from age to age, from King to King, from Parliament to Parliament, the homages done to the Kings of England by the Kings of Scots, coming sometimes to York, sometime to London, sometime to Lincoln, sometime to Canterbury.

By which title of superiority the Crown of England hath upon differences decided the controversies, and appointed the Crown of Scotland as to it was thought fit. And by this title and dignity doth the French Queen, as Queen of Scots, owe homage to the Crown of England; and so consequently ought the Crown of England to defend the liberties, the laws, the Baronage, and people of Scotland from oppression, and that in honour and conscience, no less than the Emperor ought to defend the State of Milan or the kingdom of Bohemia, being vassals to the Empire. And therefore, if it may appear that the French King, by pretence of the marriage of an heir of Scotland, will alter the laws, liberties, and customs of Scotland, and will subvert the lawful heirs of the Scottish blood to the Crown, and deprive the Barons and States of the realm of their inheritance, whereby the French nation and blood may possess that land, then the Crown of England is bound in honour and conscience to defend and protect the realm of Scotland against the French. And so doth the first question alter in the most principal point; for then is not the case betwixt subjects and a natural Prince, but betwixt a superior King and a realm of the one part, and an inferior King alone joining with strangers on the other part.

But beside this former reason, which resteth but upon a right and honour, it followeth to consider how England ought, even for the protection of itself from perpetual ruin and subversion, see, and that with good speed that the French be not suffered, by pretence of this particular disorder, to bring their armies into Scotland. And in this part both God and nature doth not only allow, but also move the realm of England to look to this in time; for in these cases, when it concerneth kingdoms, *haud putarem* cometh too late.

To prove this, that England is in evident danger if providence be not used, are to be considered these things following—

First, The disposition of the French to conquer and be masters of England, I think is unknown neither to Englishmen nor to any of the Christian nations that knoweth one nation from another. No man is so simple, that hath read or remembred any stories, to think that that nation

hath any conscience in keeping or breaking of peace with England.

Next to this, it is too evident that they mean it, and of necessity they must both mean it and follow it.

At the making of this last Peace, it was manifest how they laboured to have had the Burgundians conclude a Peace without England; and how insolent reasons they used in that point, shewed what ground they meant to work. They could most falsely say at that time, that they knew not how to conclude a Peace with the Queen's Majesty, nor to whom they should deliver Calais, but to the Dolphin's wife, whom they took for Queen of England.

Before that, in the time of Queen Mary, what practices had they in many places, both abroad and here in England, to deprive the Queen's Majesty's title that now is, and to set forth their own? Insomuch as, if God had not conferred this Crown to the Queen's Majesty with a notable concord of all States of the realm, it was well seen in France how they meant to have set abroad their device. And too many things there be to prove their burning desire to further this their doings at Rome, in procuring the last Pope's Bull to declare the Queen's Majesty illegitimate; their practices in Almain¹ to set forth Eekin's² works against the Queen's mother; their usurpation of the arms of England, first, in their open Justs when the King was killed, and then consequently using the same in plate, and to despite the Queen's Majesty's servants in the same plate wherein her Ambassadors were served, now also sent into Scotland; the consultation also had upon the King's death, how this French King should be proclaimed King of England; which was stayed by the wisdom of the Constable.

Yet nevertheless followed the engraving of the same stile in the Great Seal sent into Scotland, and in the treaty confirmed with the King Catholique. This that they forbare to do by proclamation, they do by paintings, gravings, writings, and workings, so as it appeareth manifest what they would, and what they covet. Beside this, how lightly they esteem

¹ [Or Allemagne, meaning Germany.—E.]

² [John Eck, Eckins or Echius, one of the most learned and able defenders of the Church of Rome in opposition to Luther, Melancthon, and others.—E.]

the Queen's Majesty appeareth by their keeping of their treaty, being bound and demanded to send a fourth hostage, they have neglected it : and how dishonourably one of them hath passed here with the killing of one of the Queen's Majesty's subjects, doth appear too plain, and yet they have seemed cunningly to be complainers, that is, to bite and to whine like dogs or Frenchmen.

What good disposition the French Queen herself is of, doth well appear by her own disdainful speech to diverse persons, and amongst others to some of the Queen's Majesty's own gentlewomen¹ being in France.

Hitherto may appear sufficient arguments of the earnest minds of the French towards this kingdom, which how maliciously it hath been set, former years have always declared, when they made no pretence to this Crown ; and now how this their malice is augmented and taken root by their false pretended title, may easily appear to be such as the same will never be stayed in them as long as the French Queen liveth, or as long as any issue shall come out of her body ; so that this quarrell now begun is undoubtedly like to be a perpetual incumbrance of this kingdom.

And to manifest that it shall now in this time be put most in use, it is to be considered at this present the Cardinal of Lorrain and the whole House of Guise have the chief governance, who only depend upon the Queen their niece, and have nothing so much at heart as to advance her titles, wherein they have long flattered themselves that to augment the Crown of France with England by the same woman their cousin, by whom they have gotten Scotland, shall be an immortal fame to their House, and an establishment of the same.

Beside this, at this present the French King hath no quarrel towards any other parts, being in peace with the King Catholique,² and having married his sister to him, who

¹ Elizabeth Sands.

² [Philip II. of Spain, who married Queen Mary of England, elder sister of Queen Elizabeth. He was the son and successor of the Emperor Charles V. The title of "Catholic Majesty" has been long hereditary to the Sovereigns of Spain. Some date its antiquity from the sixth and eighth centuries, others assert that Philip of Valois first bore the title. Others, again, allege that it was first used by Ferdinand and Isabella, but certain writers contend that Pope Alexander VI. merely renewed it to those Sovereigns for expelling the Moors.—E.]

also is too strong for him, and having also married with the Duke of Savoy,¹ and delivered to him his five towns, whereby also the entering of the French King into Italy is utterly cut off; and therefore now resteth no place for the French to bend wars upon, but upon Scotland and England or Ireland, in which point is to be also remembered the practices which they presently entertain by means of George Paris, who is very lately gone into France with intelligence from certain Lords of Ireland, wherein the Dowager of Scotland is a party, and from her the said Paris went last into France.

It followeth, to consider how near these dangers be at hand, and whether they be so far off as the same may be deferred without present remedy.

True it is and likely, that as long as the Nobility of Scotland shall be of greater power than the French, so long will the French forbear the open invasion of England; but as soon as Scotland shall either yield of itself, or be compelled for lack of power and ability to yield to the French, forthwith will the French employ both their own strength and the power of Scotland against England.

And to understand how long it is likely for the Scots to keep the upper hand is easily judged, if it be remembered that the Scots of themselves, when they had a King of their own to aid them, never came into the field with more than fifteen days victual, neither could abide longer together, but were forced to return and change their numbers; so as the way to overcome them is to prolong time, and not to fight with them, but stand at defence; and therefore, without relief of money to pay them wages, they cannot endure long in the field or in strength. So that it is most evident, that without some relief, it will be no long time ere the Scots shall be forced to leave off, whose end of necessity must be the beginning of England, and so the sooner the one endeth, the sooner the other shall begin.

Then followeth another, though no difficult question, Whether it be meeter or more profitable for England to continue the Scots in their strength and defence, than to

¹ [Emanuel Philibert, Duke of Savoy from 1553 to 1580, son of Charles III. Duke of Savoy. He acquired great military renown under the Emperor Charles V.—E.]

leave them, and be at the charges of our own defence? In continuance of the Scots, our people is spared, and our country in peace; only some treasure is to be spent. In our defence, our people must be spent, our country spoiled and wasted; and as to expence of treasure, ten times more to be spent that way than the other. The easiest way to stand upon defence must be to put into Berwick (which now holdeth but 2000) 3 or 4000 more; and if it should come to a siege, 10,000 will scanty suffice.

Beside this, the whole three Borders must be planted with garrisons, which will not be done under 4 or 5000 men; and if the enemy shall approach with an army, which of necessity he will do, having it transported into Scotland, and so employ it to some profit, then must also an army of like force be levied and kept there, if not to invade, yet to defend; and what the charges thereof will be, if it last but three months, is soon conjectured to be such as it will weary both the Realm and the Crown. Furthermore, how at this present England shall be able to furnish an army, is pitiful to understand; how void it is of such generals as either the old Dukes of Norfolk,¹ Suffolk,² and the last Duke of Northumberland,³ is soon perceived; how much people is of late years wasted by death is well understood. Again, what manner of army the French mean to have is already understood; the Rhingrave is appointed already to levy 5000 Almaines; what the Duke of Saxe shall do is unknown; and for transportation of them means is already made with the King of Denmark,⁴ whose friendship is sought with such a bait as therewith he will soon be taken, that is, with release of the title that Lorrain pretendeth to Denmark. It may be said that England may also have Almaines. It is true; but some chance may happen that they shall come too late, and whensoever they come, they be unreasonably chargeful. The French have a great advantage at this present;

¹ [Thomas Earl of Surrey, attainted with his father, Sir John Howard, the first Duke of Norfolk, but created Duke of Norfolk and Earl Marshal of England in 1514. He commanded as Earl of Surrey at Flodden.—E.]

² [Apparently Grey, Duke of Suffolk, forfeited in 1554.—E.]

³ [John Dudley, Earl of Warwick, created Duke of Northumberland by Edward VI., and forfeited in life and honours on a charge of high treason by Queen Mary in 1553.—E.]

⁴ [Frederick II. from 1558 to 1588 King of Denmark.—E.]

for they pretend outwardly to keep peace with us, and yet they, under the pretence of this matter of Scotland, do daily levy, press, and send soldiers into Scotland. And England, upon colour of peace, doth not so much as talk how to be defended; and if it forbear until the French be in the field, then is it easily perceived how late it will be to send for succours out of Almain.

These things being but words, of peace, of war, of levying of men, of arming, of victualling, of money, of munition, and such like, move but as words may; but when time shall come (which Almighty God prolong), then will it move and stir all good English bloods, some to fear, some to anger, some to be at their wits' end.¹

Sir William Cecil was the author of this *Discussion*, as he calls it, and it is all written in his own hand.

At the beginning of this Paper there is a short note in Sir Robert Cotton's hand, as follows—

“Notwithstanding that this month of August 1559 the Treaty of Upsatlington, between the Queen of England and Mary and Francis of Scotland, was made and confirmed,² yet did she, as appears by this consultation in the hand of Sir William Cecil her Secretary, continue her purpose of aid and support to the faction in Scotland by Murray.”

*A Letter from Sir Ralph Sadler and Sir James Croft to the Council of England.*³

YOUR letters of the 20th we received the 25th of this present, and have the same day received letters in cypher from Randolph, which we have decyphered, and herewith send you the copy thereof, praying you to let us understand the Queen's Majesty's pleasure as shortly as may be, what we

¹ There is a very wide difference betwixt this *Discussion*, as contained in Mr Crawford of Drumsoy's Collections MS. Lawyers' [Advocates'] Library, taken by that gentleman from the Originals in the Cotton Library, and that copy of it as published by Bishop Burnet, Hist. Reform. vol. iii. p. 283, Appendix, No. LIV. Whence this disagreement should arise, I cannot divine; but perhaps I may afterwards be enabled to satisfy my readers herein.

² This Peace was made in the month of May, and confirmed in August. *Fœdera Angliæ*.

³ Cotton Library, and Lawyers' [Advocates'] Library [Edinburgh].

shall answer touching their request of more aid of money, wherein it seemeth we shall be much pressed. For other occurrences, we understand by the messenger that brought the said letters, that, likeas we wrote to you, there have been divers skirmishes betwixt the Protestants and the French, which daily do continue, with also night alarms, and divers hurt and slain on both sides ; but Kircaldy¹ hath no such hurt as we wrote of, the bruit whereof did arise of another Scotsman that was indeed hurt in the same sort as we did write ; and before that, in the same skirmish, Kircaldy slew a Frenchman, whereby the Protestants had the first blood, which they do take for good luck. The Earl of Huntly remains at home in his country like a wylie fox, but his son, as they say, is coming to the Protestants with 400 horsemen, and James Macconnel, whom the Regent heretofore stirred against the Earl of Argile, is also coming to them with 700 footmen. The Earl of Morton lyes at his house of Dalkeith, within four miles² of Edinburgh, and sometimes repaireth thither, of whom the Protestants make a certain account to be theirs. We intend, because we will understand their doings more certainly, to send Mr Drury secretly to Edinburgh to some trusty man, by whose means he shall see what they do ; and have given him instructions to view Leith, and as he shall see occasion to give advice to our secret friends, how they may at best advantage assault the town, wherein we suppose him to have good understanding. We have presently written to Randolph,³ requiring him to declare to the Lords of the Congregation what aid is now coming out of France Dampmartin ; and so have we not letted sundry times heretofore, by such means as we could, and also by special letters to Randolph, to admonish them of such power as from time to time we understood was coming against them ; first, with the Marquis d'Elbeuf, and next with the Duke d'Aumail ;

¹ [Sir William Kirkaldy of Grange.—E.]

² [Dalkeith is six British miles from Edinburgh. The Castle of Dalkeith, which occupied the site of the present Dalkeith House, the seat of the Duke of Buccleuch, was then the property of the Earl of Morton.—E.]

³ By this and other evidents here inserted it is manifest that Mr Randolph had come secretly into Scotland, and lurked among the Congregations as a spy and minister from Queen Elizabeth of England. This I had omitted to take notice of in the body of the History.

and advised them to consider what hurt they might receive by their slackness and protracting of time. And if they would have followed our advice, they should not have suffered Leith to be fortified, but ere this time should have well accomplished their enterprize ; which, nevertheless, as it seemeth, they have much neglected, or else have had such impediments as they could no sooner assemble their power.

Where it appeareth in your said letters of the 20th of this present, that some good disposed people of this town have given knowledge to the Regent that I, Sir James Croft, should help to conduct the Earl of Arran out of this town, whereof we perceive the French Ambassador there hath complained, I have thought good to let you understand, that for truth neither did the said Earl come within this town, nor yet did I set one foot out of doors with him to conduct him towards his country. And as it chanced, about the same time did the Duke his father send to me a messenger, requiring that I would shew favour to his son, and if he should happen to arrive here, that I would advertise him thereof, to the intent he might provide for his safe conveyance into Scotland. Whereunto, because I would the better colour the matter, I answered, That I neither knew nor heard of the coming of his son, nor yet, if he did come, would I have to do with him ; and therefore required him not to trust me in that behalf ; which answer, nevertheless, the Earl of Arran was privy unto. But touching his conveyance, the truth is, that I caused him to be secretly put out of the Castle over the water in the night, where a gentleman by our appointment received him, and rode with him over the waste ground and under the Hills of Cheviot into Teviotdale, and there delivered him about one or two o'clock in the morning to a Scots gentleman, a dear friend of the said Earl, who from thence conveyed him to Hamilton. The matter, we dare say, was so secretly handled, that hitherto none of the said two gentlemen are either known or suspected to have had the doing of the same ; nor yet can any of them all, which be most suspicious of the matter, tell certainly which way nor how the said Earl came into Scotland. Marry ! we have one man vehemently suspected, and it may be that he hath given the said Regent such knowledge as he hath of this matter, and that is Thomas

Clavering, farmer of the demesnes of Norham, dwelling in the Castle there. For this we know, that he hath been very inquisitive, as secretly as he could, and yet not so secretly but that we do understand it, of the said Earl's passing this way, insomuch as he got knowledge of his passing through Anwick. Some think he is a good spy for the Regent, wherewith we cannot charge him, and yet we write it not without some cause of suspicion. And beside that, we cannot praise his honesty in other things. But whether he be a spy or not, it were not amiss that he dwelt further from the Border, and an honest man in his place at Norham. From Barwick, the 25th of October 1559, at midnight.

Your assured poor friends,

R. SADLER.

JAMES CROFT.

Orders (sent, as appears, from England) for the Maintenance and Governing of the Garrisons of Horsemen and Footmen. 4th November 1559.¹

“FIRST, A general contribution and benevolence of all Noblemen, gentlemen, burghs, and towns, and a taxation upon the Kirk lands, and also the whole profits of such Kirkmen as be against the Congregation, to be levied.

Item, Of this a perfect book to be made, and several men to be appointed in every country for the collection of the same, out of which certain money to be allotted for the charges of the collectors.

Item, That some be specially appointed to have the receipt of all the treasure, and to make payment over to the garrisons, or otherwise for munition and other necessaries for the common action, as shall be appointed by warrant signed by the Lords having governance, or three of them at the least, whereof the Duke, the Earl of Arran, or the Prior of St Andrews, to be one.

Item, It is thought meet that Knox be a counsaile with the receipts and payments, and to see that the same may be employed to the common action, and not otherwise to any private use.

Item, That the treasure be kept secret, and that all such money as they shall spend in this common action may seem to grow, and be levied only by the means above said.

¹ Cotton Library, and Lawyers' [Advocates'] Library [Edinburgh].

*Minutes of a Letter from Sir Ralph Sadler to Mr Randolph.
4th November 1559.¹*

ONE thousand pounds sent for the present relief of the Lords of the Congregation from Sir Ralph Sadler and Sir James Croft. A new Commission from the Court of England to support the Lords with more money according as they shall see their success. They desire Randolph to give them his opinion of the matter, lest they should employ the Queen's money in vain; and secretly to acquaint the Lords that more money was sent for their aid, but withal that they make few privy unto it, and to tell them that there is more aid of French coming to Leith, advising them to make haste in the recovery of Leith before they come.

Another. 5th November 1559.

HE is sorry for the misfortune of the Laird of Ormiston.² To prevent the knowledge that the money was sent from hence, the Lords of the Congregation must say that it belonged either to themselves or Ormiston. It seems the Earl of Bothwel lay in wait of purpose.

*A Letter from Sir Ralph Sadler and Sir James Croft to
Mr Secretary Cecil.³*

SIR—Likeas in our last letters sent by Mr Drury, we did advertise that we had presumed to deliver 1000 Pounds to the Laird of Ormiston, for the relief of the great necessity and lack of the Protestants, so shall you now perceive, by such letters as we have received from Balnaves and Randolph, which we send you herewith, what mishap hath chanced to the said Ormiston, to our no little grief and displeasure. Surely we durst as well have committed our lives as the money to his hands, and would have thought the same to be in no danger, as he himself did warrant us most assuredly. But you may see that such mishap doth chance when it is least looked for, which we assure you

¹ Cotton Library, and Lawyers' [Advocates] Library [Edinburgh].

² [Cockburn of Ormiston.—E.]

³ Cotton Library, and Lawyers' [Advocates'] Library [Edinburgh].

doth much inquiet and trouble us, and yet there is no fault in us; trusting that the Queen's Majesty will rather impute the same to such mishap as many times doth chance in things most assured, than to any lack of good-will and diligence in us to do our duties.

We cannot perceive that the Protestants are of power to besiege Leith, and therefore we judge that they will remain in garrison at Edinburgh, so long as they be able to entertain any number of men; which they cannot continue for any long time, unless they may have support and aid of money at the Queen's Majesty's hands. On the other side, we hear that the French also be in some distress, both for want of fewel and other things, and also for that their victual, as they say, doth consume; so that it is thought that unless they may have aid shortly out of France, they likewise cannot abide long in Leith. And thus they be in some extremity on both sides; what the end will be, God knows.

The Protestants will send to us for more money out of hand; which we think the rather, because we wrote to Randolph before we understood of Ormiston's mishap, that the same was here ready for them. But now, because of this evil chance, we would gladly know the Queen's Majesty's pleasure before we did adventure the rest; and yet we be in doubt whether it be good or not, for this sorry mischance, so to discourage them, as now to leave them destitute of help, when they have most need. And therefore, if they shall press us sore therein before we have answer again from you, we see not how we can deny it unto them, if it may be safely and secretly conveyed. Whereunto we would have such regard as appertaineth; for we do consider that the more they be supported, the longer we shall continue and nourish their faction, and also the greater shall the enmity grow and encrease betwixt them and the French. And now that by reason of this mishap, it is to be feared that our practice will be discovered, whereupon nevertheless you must set as good a colour as you can, you may be sure that if France list to break with you, they will take occasion so to do as well for that is done already, as for any thing that we shall do more in the matter; which, considering how many we have had to deal withal, cannot be kept

so secret as we desire, but must needs break out at one time or other, which we always feared. And therefore, if any advantage may be taken now, or at the least, if by the spending of a little money, this enmity thus begun betwixt the Protestants and the French may be continued, in our opinions it is not to be neglected; for we think it had been better never to have had to do with them, than now to leave them. Wherein we beseech you advertise us of the Queen's Majesty's pleasure, as soon as is possible.

Touching your desire to know what Scots be with the Queen Dowager, and how many Frenchmen, as far as we can learn, there be no Scots of any name with her in Leith, but the Lord Seton and the Lord Borthwick, with the inhabitants of the town; for the rest, as the Earl Bothwel, who is on her side, and such others as seem to favour her party, do remain at home by her consent, until she shall require their aid. It is said that there be in Leith about 3000 Scots and Frenchmen in wage. Thus we commit you to the tuition of Almighty God. From Berwick, the 5th of November 1559.

Your assured poor friends,

R. SADLER.

JAMES CROFT.

*A Letter from the Lords of Scotland to Sir Ralph Sadler.*¹

SIR—After our most harty commendatioun, this is to signify unto zou, that through the lose of the thousand pundis sent with the Lard of Ormiston, we are brought to that straitness, that we cannot keip our men of warre togydder; and gif thai sall depart from us, we ar not hable to keip this town, but must neydis depart, and so shall all our enterpryiss be frustrate. Heirfore, even as you tender the weall of our cause, and prosperous success of all our proceedingis, we pray you with all possible diligence send to us, with this berar James Baxter, ane thousand pundis stirling² at the leist, and that be sea, with certayn other thingis as he shall instruct you at lenthe, for we have sent ane boyt for that samyn cause. And thus we commit you to the eternal

¹ Cotton Library, and Lawyers' [Advocates'] Library [Edinburgh].

² [Sterling money.—E.]

protection of God. From Edinburgh, in heast, the 6 of November, anno 1559, be your liuffing freindis,

JAMES.¹ JAMES HAMILTON.² JAMES SAINT ANDRE.³

*A Letter from Sir Ralph Sadler and Sir James Croft to Sir William Cecil.*⁴

SIR—After our most hearty commendations, your letters of 3d of this present we received the 7th of the same, and the day before we received such letters as we send you herewith from the Protestants. Whereunto we answered them, that we are ready to satisfy their request if it may be surely and secretly accomplished; but because the messenger called James Baxter seemed to think it as dangerous by sea as by land, besides that it would be long in doing by the sea, he is therefore returned to them to devise better for the surety and secrecy of the matter. And now, upon the receipt of your said letters, we have written to them again to comfort them with such good matter as in your said letters is contained, being of your opinion that it is most requisite to encourage them to follow their enterprize, specially to heast the recovery and taking of Leith, with such speed as the matter indeed requireth.

Now, to answer to the points of your said letters according to your desire; first, touching the means and ways how to aid them, we must needs agree with your opinion there, that by money and counsel is the only way, till time and occasion shall percase enforce you to do more; and therefore because we have now, upon your said advertisement, promised them that they shall lack no money, it may please you to take order that the same may be sent hither with all diligence, for long delay of the sending thereof may be an hinderance. And when it is here, in our opinions it may stand the Queen's Majesty in as good stead as if it were in her Highness's coffers; for if the matters so fall out as we shall not need to employ it to such purpose as it is sent for, yet it shall be ready to be defrayed upon the charges

¹ [James Duke of Chatelherault.—E.]

² [James third Earl of Arran, eldest son of the Duke of Chatelherault.—E.]

³ [James Stuart, afterwards the Regent Moray.—E.]

⁴ Cotton Library, and Lawyers' [Advocates'] Library [Edinburgh].

of the fortifications and garrisons here, or otherwise as shall please her Highness. How much will suffice, and how they make their payments, there is mention made of the same in Balneaves's letters which we lastly sent unto you, whereby you may conjecture what will be a convenient support, and if you send more than enough, the overplus will serve for the purposes aforesaid. It must be in French crowns, for if it be in any English coin, when it shall come abroad in Scotland it will be the sooner suspected from whence they have it. We have here already 1200 pounds of English gold, which we dare not send them for the cause aforesaid, and here is no shift to be made for the changing of the same. There is no help to be had in those parts for so much money as will serve this town, and therefore it must needs come from thence; and right necessary it is that you send it surely, for Overton told us, that if he had not hired men by the way to ride the stronger, perceiving himself to be dogged by false varlets, he had been robbed of that he brought.

Secondly, Touching your device of sending hither of captains and leaders, whereof, indeed, the Protestants have great lack, we think it not amiss that four or five of these mentioned in your said letters be suffered to come secretly hither, to do as you have there devised, if, at their coming, we see no cause that shall require the contrary.

Thirdly, As we have always hasted them to prevent the malice of their enemies by the taking of Leith, so have we now again according to your advice written unto them, that if they will forthwith raise a sufficient power, and adventure it, the charges shall be born; and besides that, have advertised them of the danger that may follow, if they forslow the time.

Fourthly, Touching the Earls of Huntly and Morton, the one is wylie, and the other is simple and fearful. Huntly is looked for continually at Edinburgh, and, as it was told us to-day, arrived there yesternight, which we have not of certainty; but wheresoever he be, we have the same opinion of him that you have, that is, that he will use both parties as may best serve his own purpose, and howsoever the game go, he will be sure to save one. As for Morton, albeit he hath by his handwriting bound himself to take part with the Protestants, yet he lieth aloof. Some think he doth it, partly

fearing which party shall prevail, and partly in respect of the great benefit that he hath heretofore received at the Dowager's hands, by whose means he obtained the Earldom of Angus, though another hath a better title to the same ; and yet we think him to favour the Protestants more than the other party. And touching the Lord Erskine, though he seem to be neuter, and keep the Castle indifferent as his special charge, yet did he declare himself on the Protestants' party, at the last alarm given to Edinburgh, when the Lords were out of the town, as you have heard, and sithence hath he been in treaty and council with them sundry times, as we be informed ; but surely, as you write, it is to be feared that practices have done them much hurt, whereof they have been sufficiently warned.

Finally, Touching the doubt arisen there, if we should aid the Protestants, and help them to be delivered of the French, what assurance might be had of them towards this realm, wherein you require us to write our opinion, we think assuredly that we need not to make any great doubt of that matter ; for knowing themselves to be utterly out of credit with France, we need not to fear their revolt thither, if the lack of our aid enforce them not ; and therefore of force they must adhere to us, and seek the amity of England, or else they cannot be able to endure the malice of France. And surely we think, that if the Queen's Majesty would manifest herself on their side, and take plain part with them her Highness could not require that assurance of them, being in their power to accomplish, that they would refuse. Thus we commit you to the tuition of Almighty God. From Barwick the 8th of November 1559,

Your assured poor Friends,

R. SADLER. JAMES CROFT.

Part of a Postscript to this Letter.

Wherefore, under correction, we think it not amiss to provide for their relief and maintenance, and that money be sent hither for that purpose, which though it be here ready, need not to be employed that way, but as you shall see cause necessarily requiring the same ; for though they be thus retired, we see not but that they may reinforce themselves and begin again, or at the least, we think them so strong in their

countries, that if they have any help or maintenance, they may remain as long as they list at pike with the French ; and the longer the enmity may be continued betwixt them, the less opportunity shall the French have to look towards us. This is but our poor opinion, which we refer to better consideration.

*A Letter in Cypher from Mr Randolph to Sir Ralph Sadler and Sir James Croft decyphered.*¹

I HAVE found so much uncertainty in men's doings, that I am uncertain what to write, nor know not how to report that that within these five days I have heard and seen. I found the worst success in a matter that I hoped so well of, that ever I shall see. Since the taking of the money, and the coming of the Frenchmen to the gates of Edinburgh, I have found the most part of our Nobles and others such as I know not whom worthily to commend. The number of men hath so decayed since that time, that the rest were forced to leave the town. Upon Monday last also our men had a very hot skirmish. There were slain, hurt, and taken of both sides thirty or forty, one captain of our's slain, and no man else of any name ; notwithstanding the multitude were so discouraged, and shewed such open tokens thereof, that the best counsel they could find was to leave the town with speed, and to go to some place the whole Council together, where they might quietly take new advice in their affairs. They concluded the said Monday at four of the clock, to depart that night at midnight towards Stirling, where presently we are. Against this purpose of theirs were only the Earl of Arran, the Lord James, and the Lord Maxwell, who offered to remain in the town if they might have but a thousand men, and to be assured of the Castle ; whereof they now stood in doubt again, because the Earl of Morton and the Lord Erskine had consulted together to end the matter by composition. Wherefore the Lords of the Congregation thought it better to depart, than trust to their gentleness, being now both together in the Castle, and specially the Earl of Morton, who being of the Congregation, and promising to come daily unto them, stole

¹ Cotton Library, and Lawyers' [Advocates'] Library [Edinburgh].

secretly into the Castle, whither he came the day before we departed, and was there when we went away. One Blackadder, your neighbour, is thought to have wrought much mischief in this cause, and betrayed Ormiston. True it is that he hath been the Dowager's friend, and persuaded the Lord Erskine against the Lords of the Congregation. Some there be that suspect the Lord Ruthven, who is one of this Congregation and Council, a great friend to the Earls of Huntly and Morton. The Lords of the Congregation have remained here at Stirling two days consulting of their affairs, having determined rather to die than thus to leave their enterprize ; but only for a time to retire themselves, and in the mean season to annoy the Dowager or her friends as they may. The greatest thing that grieveth them, as they say, is the fear that they have that the Queen's Majesty will have an ill opinion of their doings ; but they trust her Majesty will favourably weigh their case, and accept such offers of service as shortly shall be presented unto her by the Laird of Liddington, who hath received his dispatch ; and I trust we shall be with you within eight days at the furthest, not very certain yet what way we shall take, being not very sure neither by sea nor land. I see not how again I can write unto your Honours before my departure, having at this time where I am much ado to find a convenient messenger. I received on Monday last, within one hour, both your letters and instructions. I made as many partakers of them as I thought might stand with your pleasures, and the matter did chiefly concern. They have promised hereafter greater silence, and more circumspection in their doings, trusting not to lack of your good advices, as hitherto they have had. What they shall determine here yet I know not thoroughly, but intend to bring certain knowledge thereof at my coming. To write at large, your Honours know it is not possible in this kind of writing ; I had not also at all times, as I would, convenient means to send, which had been very necessary in this time ; notwithstanding, I trust it shall appear that neither have I been idle, nor omitted any occasion where I might do any service. Upon Thursday last, the Earl of Arran received a cartel of defiance from the Earl of Bothwell, requiring of him the combat, the copy whereof, and answer to the same, I will bring with me. The same day the

Lords of the Congregation sent to take the Bishop of Dunblane, being an open adversary to their proceedings, and intend to make him pay well because he is rich. This present day, the 11th of November, we depart from Stirling towards St Andrews, where we shall take ship either to arrive at Barwick or Holy Island, where I trust we shall be very shortly. The Dowager comes not to Edinburgh before to-morrow. The Earl of Morton is returned to his house, and hath not spoken with the Queen. The Lord Erskine is determined to keep the Castle from her. The Lord Commendator of Holyroodhouse hath been with the Dowager, and shamefully submitted himself. I hear of no man else that hath been with her. From Stirling, the 11th of November 1559.

*A Letter from the Council of England to Sir Ralph Sadler and Sir James Croft.*¹

AFTER our hearty commendations, we see that time maketh such alterations, as it seemeth most necessary to foresee things to come before they shall happen; and therefore we be presently occupied in daily consultations what shall be meet for the Queen's Majesty to do concerning this matter of the French proceedings to the apparent conquest of Scotland: And although we be not come to a perfect resolution, yet upon your last advertisement, given by the postscript of your letter of the 8th of this month, mentioning the retire of the Protestants from Edinburgh to Lithgow,² we be forced to dispatch forthwith this bearer Mr Randal,³ a gentleman of trust and knowledge, unto you, by whom also the Queen's Majesty sendeth a sum of money, to be used as occasion shall require. And further, we here think that most needful, that he be secretly sent into Scotland to the Protestants, to comfort them, and to encourage them not to shrink in anywise, but as he shall find the occasion, to give them council how to proceed, and how to order themselves; and likewise to animate them with an assurance, that if they shall in any honourable sort require aid of the Queen's Majesty, they shall not lack that that in reason may be granted. For demonstration whereof he may also inform them, that the Queen's Majesty is in preparation of a navy to the seas,

¹ Cotton Library, and Lawyers' [Advocates'] Library [Edinburgh].

² [Linlithgow.—E.]

³ [Randolph.—E.]

and meaneth to cause more power of men of war to be levied in the north part of the Realm, and to be sent to Barwick and the frontiers. And further, also her Majesty meaneth to address the Duke of Norfolk to be Lieutenant-General of the north parts, so as he may thereby assure them that if it may appear that they will do their parts like wise and stout men, their enemy shall shortly see such power of England in a readiness, as both shall abate their pride, and increase the hearts of the said Scots. Our meaning is further, that Mr Randal shall endeavour himself to understand all the strengths of the Scots, and also their lacks, the state of the French both for their power and their lacks; so as we being thereupon speedily advertised from you, with some part of your opinions, may better consider what is further necessary to be expedited.

These things we here think necessary, and yet do we remit the execution of them, either for the whole part, or for adding thereto any other device, as to your directions there shall seem most expedient. For indeed alterations and changes of things that may hap there, may give to you there other occasion of proceedings than presently we can here determine.

We think convenient that you give order to Abbington, to use all the speed that he can to make a great mass of victuals, and to omit no hour therein. At Westminster the 13th of November 1559.

WINCHESTER.	NORTHAMPTON.	ARUNDEL.	PEMBROKE.
CLYNTON.	HOWARD.	PARRY.	ROGERS.
KNOLLIS.	CECIL.	CAVE.	PETRE.
SACKVILE.	MASON.	WOTTON.	

*The Order sent with the Bishop of Amiens and La Brosse, from the King and Queen of France and Scotland, for quieting the Troubles in Scotland.*¹

FRANCISCUS et MARIA, Dei Gratiâ, Rex et Regina Franciæ, Scotiæ, Angliæ, et Hiberniæ, dilectissimæ Dominæ nostræ et Matri Reginæ viduæ Scotiam Regenti, salutem. Cum allatum est de eo motu, quem quidam factiosi in nostro regno Scotiæ malâ mente nuper concitaverunt, enitentes sub

¹ Cotton Library, and Lawyers' [Advocates'] Library [Edinburgh].

specie religionis, trahere in partes subditos nostros, ut postea, alienatis eorum animis (quemadmodum actionum suarum eventu comprobarunt) nostram illic auctoritatem funditùs delerent, eamque sibi vendicarent: Nos præter curam et sollicitudinem quam huic sedando malo præsens adhibueras, misimus isthuc duos graves et spectatos viros, Brossium nostri ordinis equitem, et Peleveum Episcopum Ambianensem, qui interessent comitiis et conventibus ejus regni indictis, ut ibi amicè his de negotiis transigeretur, quæ occasionem rerum novarum præbere videbantur. Atque hæc prima fuit via conciliandæ concordiae, quam tentare constitueramus, adducti eâ opinione, quam pridem conceperamus, de voluntate, fide, observantia, erga nos Scotorum omnium subditorum nostrorum, magnorum, mediorum, infimorum, propter infinita ingentiaque beneficia, perpetuo à nobis nostrisque majoribus in eam gentem collata, dum illorum libertatem, bona, fortunas, liberos, conjuges, omni ope tuentur, ne in hostium potestatem miserabiliter venirent: verùm enimvero longè aliter ea res cecidit, atque opinabamur. Nam posteaque legati nostri eò venerunt, tantum abest, ut quicquam de suo officio suâque salute admoneri passi sunt, ut scelus sceleri, impietatem impietati, contumaciam contumaciæ addentes, everterint delubra et templa, diruerint utriusque sexûs Cœnobîa, exactis per summam crudelitatem ministris, monetæ nostræ signa et characteres rapuerint, palacia regiasque ædes invaserint, aliisque plurimis patratis facinoribus, divinam et humanam majestatem violantes, arma ceperint; præterea duces auctoresque hujus conjurationis, coactis magnis copiis Edinburgum occeperunt, teque inde decedere compulerunt, cum reliquis Scotis et Francis nostras partes secutis: Nec hoc fecisse contenti, haud intermittunt quotidie armis lacescere Francos, quos ibi in præsidiis alimus, quorum tamen plurimi innumera vitæ discrimina, pro illorum incolumitate, antea subierunt. Sed tantorum meritorum obliti, nostros palam armis aggrediuntur, nihil eorum prætermittentes, quæ bello inter legitimos hostes concitato patrari solent, ut tandem quibuscunque modis possint, nostram evertant auctoritatem, et summam regni Scotiæ in se transferant. Quorum audaciæ et temeritati quamprimum occurrendum statuimus, cum omnibus his viribus quas nobis Divina Providentia largita est; sed quoniam armis uti serius clementia

nostra nos monet, non ante apertâ vi agendum duximus quàm proposueramus reliqua remedia, pacandi hujus tumultûs, ut *sciz.* possimus discernere illos, qui in nostra fide et obedientia manere, seque à conjuratorum contubernio abducere magnopere cupiunt, ac sunt propterea gratiâ favoreque prosequendi. Idcirco mandamus et oramus, ut nostro nomine, nostrâque autoritate cures, palam edici, præconioque promulgari, et programmatis statui in portis urbium, templorum valvis, ac cæteris locis publicis convenientibus; nempe quotquot subditi nostri in regno Scotiæ, nuper injussu nostro sese congregârunt et armârunt, quo et nos ditione nostrâ et te tuo regimine privarent, aut ex finibus Scotiæ Francos milites exigent, maximè ex præsidiis oppidisque munitioribus, in quibus sunt constituti et collocati; denique ut auctoritatem nostram regiam tollerent, sibique attribuerent, hi, depositis armis, sese pacati in domos suas recipiant, sine ulla injuria cæterorum, et sine maleficio, et tibi de cætero obediant, penes quam regni nostri Scotiæ fasces esse volumus, ac volumus, idque intra Quo tempore præterito, si obstinatius perstiterint in sua rebellionem et inobedientia, habeantur rei læsæ majestatis; eamque ob causam, cujuscunque gradûs et dignitatis fuerint, pronunciavimus, nunc et imposterum, rebelles, reosque majestatis, quæstionem in eos ut nefarios homines constitui, animadversionemque capitalem jubemus, prædia beneficiaria gentilitiaque fisco committi ob perfidiam, eique acquiri et adjungi in perpetuum decernimus; reliqua illorum bona, mobilia et immobilia publicari; liberos cæterosque posteros haberi infames, ac incapaces omnium honorum et dignitatum; liberavimus insuper universos rebellium subditos jurejurando et fide quibus adigebantur; postremò sancimus requirendos et comprehendendos ubicunque inventi fuerint, vel intra vel extra sacra, captosque arctiore custodia teneri, fortique satellitio stipatos ad te deduci mandamus, ut in illos capitaliter, quemadmodum dictum est animadvertatur. Sin comprehendi nequeant, permittimus more hostili grassari in illos, ut in nostros regni que Scotiæ publicos hostes. Quod verò attinet ad Ecclesiasticos, si hi quoque intra constitutum tempus promulgata mandata neglexerint, nos similiter permittimus subditis, magistratibus vel privatis, ut illos comprehendant, comprehensosque diligenter adservent, ut postea

a quibus par erit iudicibus res quæatur, quorum pariter subditos liberavimus jurejurando et fide, quibus ob prædia devinciebantur. Edicimus eodem pacto, ne fructus eorum ullos aut redditus pensitent; quin etiam in omnia illorum bona mobilia et immobilia manum injici, eaque publicè nostro nomine ut Superiori possidere jubemus. Amplius edicto vetamus, ne ulli Scoti aut Franci, nisi inter reos violatæ majestatis referri velint, eisdemque quibus supra poenis ac suppliciis affici, commeatu juvent conspirantes in nostram auctoritatem, neve arma ad eos, sclopetos, bombardas, pulverem, cæterasque bello ducendo commoditates, importent; quod si qui post nostræ sanctionis promulgationem adversus eam deliquerint, in eos, eisdem quibus supra modis, animadverti volumus, ut sint exemplo cæteris, ne similia in posterum, contra debitam nobis fidem et obedientiam, audeant. In quorum omnium testimonium subsignavimus præsentem literas propriis manibus, quibus etiam sigillum nostrum apponi duximus. Datum Blesis Novembris, anno Domini 1559, et regnorum nostrorum, viz. Francisci Primo et Mariæ.¹

*A Letter from Sir Ralph Sadler and Sir James Croft to
Secretary Cecil.²*

SIR—It may like you to understand, that on Thursday last arrived at Holy Island the Laird of Lethington and Thomas Barnavie, and when the night came, I³ Sir James Croft received them unto the Castle here secretly. They brought us letters from the Earl of Arran, the Lord James Commendator of St Andrews, and Mr Balnaves, which we send you herewith. And yesterday we had conference together at good length, and do perceive that the Lords of the Congregation do stand fast, and be as earnestly, or rather more earnestly bent and determined to follow their enterprises, and to seek revenge upon the French, than ever they were. And from them the said Laird of Lethington is now specially dispatched to the Queen's Majesty with letters and instructions to seek and sue for aid at her Highness's hands, without the which we see not, as we have always said, that

¹ Though the preceding order be not referred to, yet I thought it not improper to be inserted here, as being no where else to be found in print.

² Cotton Library, Cal. B. 10. an Original.

³ [And.—E.]

they be able to achieve their desires. We have practised with him, having besides his instructions special credence committed unto him to frame their suit to the Queen's Majesty, in such form, and according to such articles as you sent unto us, which we had written out for him, as though the same had been devised by us, to show our good will and great desire to further their cause; the substance whereof he liked very well, and wished he had been so well instructed before his coming from the said Lords, to the intent he might have brought the same under their hands, which, he saith, is to be obtained at all times. And now at his being here he hath written unto the said Lords, and also advertised them of other such comfortable matters as he hath received here at our hands, according to your late advertisement. This morning before day, he and Barnavie are departed hence towards you, intending to make all the speed they can; and if you think it meet to have them bestowed any where about the Court secretly, it were not amiss that you sent some man to meet them at Ware or Waltham Cross, to convey them to the place where you shall think meet for that purpose. We have forborne to send Mr Captain Randall to the said Lords at this time, for that we see no cause thereof, considering that they intend not, nor yet can, as far as we perceive, prepare themselves to the fields very shortly in this dead time of the winter. But as we have learned by the said Laird of Lethington and Barnavie, they have divided themselves, and do lie at Glasgow and St Andrews, to keep themselves in strength, to stay those countries, and by all such good means and practices as they can use to make more friends, as well of the Nobility as others, to take part with them in this their common cause; and so they have resolved to repose and rest a while until the return of the said Laird of Lethington from the Queen's Majesty, intending, nevertheless, as he saith, if they see any advantage to be taken against their enemies, in the mean season, not to pretermitt the same. The rest we refer to the declaration of the said Laird and Barnavie, by whom you shall understand all things touching this affair more perfectly, and at more length than we can express in writing. The number of the French now in Scotland exceeded not 2500, so that if there come no greater power out of France, the matter

will be the more easy ; but if there shall be sent more aid and power out of France, the same must be impeached by your navy there, or else it will be the more difficult. And therefore it behoveth that you hearken well, and have good spies upon their doings in France, to the intent you may the better meet with the same, as the case shall require, which in our poor opinions is not to be neglected. Thus we commit you unto the tuition of Almighty God. From Barwick, the 25th of November 1559.

Your assured poor Friends,

R. SADLER. JAMES CROFT.

*Knox's Letter to Mr Railton, 23d October 1559.*¹

YOUR lettres long looked for receaved I in Edinburgh this 23d of October. It is most assured that such a jewel (the Great Seal) as your other writings due specifie, is laitle cumed to our realme, but it is kept mervalous secreat, and the rather becaus these cold blastes of winter be able to cause the beauty of suche Maij flouers faid. Thus much my eis saw and my hands touched. A trym staff for the Quen then Regent, sent from the persons whom befor ye did specifye, in which war all things which ye express gorguislie ingraived on silver and dowble gilt. This staff was send in the moneth of Maij in the sam schip in which I cam to Scotland, and was schawen unto me in great secreacye. The nomber and names of my neady brethren I did signifye to such as be in your cumpany, and unto the man above (Secretary Cecil, I suppose). The nomber is now agmented, and thare povertie also in such sort that yf releaf be not provided spedely, I fear that mo then I murn when we may not so weall amend it. What wold suffice every in particular I cannot weall assure you ; but such I know thare necessity to be, that som that daly fed forty and mo in houshold is not now able to fead tuo. God confort thame, for thare battal is strong. The alteration that be hear is this : The Quen Regent, with publick consent of the Lords and Barrons assembled, is deprived of all authority and regiment amongs us. She, her Frenchmen and assistans, ar

¹ Calig. B. 9. F. 38. an Original.

by open proclamation declared and denounced ennemies and traiters to this common-wealth, for that being thrisce required and charged to desist from fortification Leyth, sche and thei do obstinatlíe proceed in thare wicked interprise. This was done this Monday before noon. Thare shal be appointed to occupye the authoritie a great Counsall, the President and cheaf head wharof shal be my Lord Duck. The authoritie of the Frenche King and Quen is yet receaved, and wil be in wourd¹ till thei deny our most just requeastes, which ye shall, God willing, schortlie herafter onderstand, together with our hole proceeding from the begyneing of this matter, which we ar to sett forth in maner of historie.² The battell is begun scharpe yneuht, God geve the issew to his glory and our comfort. Sche hath yit small advantaig, for the death of tu of our soldiours, and for the hurting of thre gentilmen, sche hath lost two capitains, and hath for wounded many of her cheaf soldiours, to the number of twenty upon one day. Thei brag, and the Quen especially, that ye will leave us in the myddest of this truble, and this sche hath of her last post which cam by you. My battell to this day hath been verrey bitter, but yf ye frustrat my expectation and the promisses that I have made in your name, I regard not how few my dolorous days shal be. What God hath wrought by me in this mater, I will not now recyte ; but this I may say, that such offerrs ar refused, that mo do judge us fooles than do praisce our constancye. We ar determined to assay the utermost, but first we must have 3000 mo soldiours, for yf we assault and be repulsed, then shall our interprise be in great hasard, and our Commons ar not able to abyd together. Geve advertisement therfor to such as favour us, that without delay our support be send as weall by money as by men. Yf your eis be single, ye may not lett to succour our present necessitie, whatsoever daunger appear tharof to ensew. I must farther requyr you to be a suyttar to all such as ye know to be unfeaned favorars, and espetiallie to our brethren of London, to have a respect to our necessitie. The Frenche schippes keap the

¹ It affords much pleasure to know the secret intentions of men by the communication of their private letters.

² Here is a certain indication that Mr John Knox wrote a History of these times.

watters heir, which is to us a great noyance, and unto thame a great releaf. Provision wold be had by tymes, which we cannot watch, be reasson that all our schippes ar absent, and as we fear stayed, so many as be in Fraunce. Watch the advertisment as ye think good, for I cannot write to any especiall for lack of opportunitie, for in twenty-four hours I have not four free to naturall rest¹ and easce of this wicked carcass. Remember my last request for my mother, and say to Mr George that I have nead of a good and an assured horse, for great watch is laid for my apprehension, and large money promised till any that shall kyll me, and yet wold I hasard to cum unto you, yf I war assured that I myght be permitted² to open my mouth to call agene to Christ Jesus those unthankfull children, who allate have appeared uterlie to have forgotten his loving mercies which somtymes I supposed thei had embrased; and this part of my care now poured in your bosom, I cease farther to truble you, being trubled myself in body and in spirit for the troubles that be present, and appear to grow. God geve end to his glory and to our comfort. This 23d of October 1559, at mydnicht.

Many things I have to writ, which now tym suffereth not, but after, yf ye mak hast with this messinger, ye shall undirstand more——R——ryt——I write with——sleaping eis.——

Advertiss me yf all things cum to your hands closs.

*John Knox in his own hand, under the name of John Sinclair, of 25th October 1559, to Sir James Croft, Captain of Berwick.*³

SUCH is our estate, Rycht Worshipfull, that unless present support be provyded for us, you and wee will both lament: wee first, I confess; but what shall ensue, experience may teach you. It was once determined that Leith should have

¹ Mr Knox would not fail to improve this as a heavy charge against a clergyman, in employing himself so deeply in secular and military concerns.

³ To observe Mr Knox's deportment in Scotland, one would think no fear of danger could have terrified him, but it seems the case was not the same with him in England. The reason perhaps was, he was sure of assistance in Scotland when he made his bold adventures; but the English Queen Elizabeth was not to be so tamely tampered with.

³ Calig. B. 10. F. 60. an Original.

been assaulted, and there the matter stands in debate ; for some fear the interpryse, if wee be once repulsed, others pursuand to put all in the hands of God. True it is, the number of our souldiers is few to so great an interpryse, and it were no small discomfort to hasard our Nobility, Barons, and gentlemen, upon their walles and souldiers. Proclamation is made by the drum for listing of mo men of war ; but partly for lack of money, and partly because men have no will to hasard, wee can make no number. And therefore as yee tender the weell and furtherance of this cause, provyde that both men and money come unto us with all possible expedition. It may appear that my demand is unreasonable ; but when all reasons which may be layed in contrar of my petition, shall be rightlie examined, our present estate and inconvenients which may ensue our overthrow, shall swello and devour them all. If yee fear to offend France, in hart it is already at defyance with you, and abidest only the opportunitie and advantage. If yee list to craft with thame, the sending of a thousand or mo men to us can breake no league nor point of peace contracted betwixt you and France : For it is free for your subjects to serve in warr anie Prince or nation for their wages. And if yee fear that such excuses will not prevaile, yee may declare thame rebelles to your Realme, when yee shall be assured that thei be in our company.¹ Yee pay their wages where thei ly presentlye, and there thei be ydill ; but heir thei would more profite us, if wee might have thame within six dayes, than 5000 will do within forty dayes hereafter. My reason is, that our number shall daily diminish, that in process wee shall be compelled to dissever and skaill, and then never look I (unles now wee obtain our purposse) to see so many Noblemen of this Realme assemble together for that purpos. I speake my jugement freeilie. Juge yee as God shall move your hart. I wraite before for some support to such as without the same are not able to serve, but receaved of you no answer. I can do no more but declare my opinion, which I pray God be not found true in the end. The Laird of Ormistoun assistest us not in

¹ Observe here Knox's political casuistry. If this be not more than to be wise as serpents ; and less than to be harmless as doves.

this our danger, the cause I leave to your judgement: I fear that mo shall shortlie follow, unles remeady be procured. I cease farther to trouble you, who do this write not without trouble. From Edinburgh the 25th October 1559.

Yours to his power,

JOHN SINCLAIR.

P.S.—It is heir brutted, whither it proceed out of craft, or if any such thing be indeed, I know not, that France labourest with the highest to uterlie refuse us, and in verry deid the Queen-Dowager hath plainlie spoken, that shee knowest the means heir to frustrate our expectation of your support, by promise said shee, to deliver Calice;¹ heir our simplicitie shall appear before God and man: This I advertyse, for such rumours discourage many. Answer thame. I opened the letter myself for scribbling these few lynes. I am charged to tack the paines by the Lords to visett you, and farther above. Lett me have your judgement in that case.

Copie of Sir James Croft's Lettere to Knox, answering to the above.²

I HAVE receyved your letteres of the 25th. For answer whereunto, albeit for myn own parte I could be well contente to satisfie your hole request with as good will as you seme to desire it, yet can I not but somewhat marvaile that you being a wise man woll require of us such present ayde of men, money, and munycion, as you knowe we cannot minister unto you without open shew and manyfestacyon of ourselves to be as open enemyes, where by leage and treatie we are bounde to be friends, prayeing you to consider how we may, without touch of honour and hurte of our commonwelth, being now in good peax and amytie, enter sodenly into open warre and hostilitie, being no cause of breche, no manyfest injurye offered unto us; and how I being but a servant and

¹ [Calais, the well known seaport in France, opposite Dover. After the memorable siege, or rather blockade of Calais for twelve months by Edward III. in 1346 and 1347, Calais remained upwards of two centuries in the possession of the English, who expelled the French inhabitants, and under whom it became a thriving place. In 1558 Calais was retaken by the French after a siege of only one week.—E.]

² Calig. B. 10. F. 72. an Original.

minister here, may presume to do that your desire, tending to a playne breche of amytie bytween so gret Princes quhome it toucheth, I referre to your discreSSION. For as to your devises how to colour our doinges in that parte, you must thinke that the worlde is not so blynde but that it woll sone espie the same, and surely we cannot *bona fronte* so colour and excuse the matier, but that it wol be expounded to a playne brech of our leage and treatie, whereby the honour of the Prince cannot be a little touched.¹ Wherefore I pray you require of us what we may do with honour and safetie, and you shall not fynde us unwilling therto. And touching the supporte of such as you have often written for, I coulde finde the meanes that they might have som relief at their friends' hands hear, if I knew how the same might be conveyed unto them in such secret and closs maner as none others have notice of the same. But to be playne with you, ye are so open in all your matiers there, as you make men half affrayed to deale with you, which is more then wisdom and good policie doth require. Fynally, where you write that France laboureth to mak us utterly refuse you, and that the Quene-Dowagier ther heth playnely spoken that she knoweth the meanes how to frustrate your expectation of our supporte, by delyverance of Calice, I dare boldly say that there is no such matier in question; for you may be sure that Calice cannot make us to neglect or refuse the estableshment of this Ilond in perpetuell unyte and concorde, wishing to lyve no longer then I may see the same, and so to leave the joye therof to our posteryte. For the rest I referre you to such letteres as we have now wrytten by this berer. From Barwyck the 27th of October 1559, &c.

*Sir Ralph Sadler and Sir James Croft to Sir William Cecil.*²

YESTERNIGHT we receyved letters in cypher from Randall, with others from the Erle of Arrayn, at Beaufort, to the Quenes Majestie, to you and to us, and also certen other writings which we sende you here inclosed, praying you that uppon consideration of the same, we may be directed from

¹ This is a severe, but just reprimand on Mr Knox's doubled-faced proposition.

² Calig. B. 10. F. 74. an Original.

thens with spede how we shall answer their desires in such sort as to your wisdomes there shal be thought convenient, for now you may see gret likelihod what this matier will growe unto. We have in the meane season thought good to put them in som hope of such reliefe as with honour and secresie may be ministered unto them, and also have given them such advice as you shall perceyve by the copie of our letteres presently written in cypher to Randall, which you shall receyve herewith ; but surely we thinke if they be not relieved and supported by the Quenes Majestie, their povertee being suche as they alledge, they must of force desiste and leave off their interprise to their owne confusion ; and if by her Highnes ayde they may prosper and achieve the same, yet in the ende, as farre as we can see, her Highnes must either manyfest herself on that syde, or ells they shall not be able to stryve and wrastle with the power of Fraunce. Wherein we be bold to say our poure myndes, as men which from the bottom of our herts do wyshe and desire the establishment of this islande in perpetuell unytee and concorde, the lyke oportunitie whereof that is nowe offered, we thinke we shall not lyve to see, if this be pretermitted ; the consideration whereof we referre to the wisdom and depe judgement of those to whom it chiefelie apperteyneth, which can more depely wey it, and decerne and see further in the same then our poure witts can arreche. So we ende, commytting you to God who directith all to his pleasure. From Berwyck, the 27th of October 1559.

Your assured poor friends,

R. SADLER.

JAMYS CROFT.

P. S.—You shall receyve amongst the rest a lettere from Knox to Mr Rayleton, who before wrote to him to gette som knowledge of the Greate Seale, which you lately willed us to inquire of that shoulde be sent out of Fraunce into Scotlande ; and now you shall perceyve what the saide Knox writeth of the same, which, as he termeth it, in his saide lettere, he calleth a *jewell* ; and by the things ingraved in the staff he writeth of, sent to the Regent from her sone and daughter of Fraunce, he meaneth the armes of England, Fraunce, and Scotland.

Knox to Mr Croft, 29th October 1559.

YOUR reassonable answer to my onreassonable requeast, Rycht Worshipfull, receaved I this 28th of October, and have imparted the contents of the sam to such as partlie induced me befor to write. I was not altogether ignorant, neather what mycht ensew your manifestation in supporting us, nether yit how far did your commission extend in such cases, but considdering, as my slender witt did serve for the tym, whether ther war the greater daunger, the Nobilitie heir to be defaitt, or yit frustrat of thare interprise, or ye to abyd the hasard of the future and suspected incommodities, it appeared to me that the formar mycht justly devour the other. As touching the leage and treatie of peax which now ye supposs to have with suche as ye term your friends, I unseamedlie wishe that it war so suyr that you should never have occasion to break any joit contracted; but whether it may stand with wisdom to have such respect to that which som men call honour, that in the mean tym I shall see my freind perrisse both till his distruction and myn, I reffer to the judgement of the most honorable.¹ Fraunce was under leage and treatie of peax with England, when it did manifestlie support Scotland to both our displeasour, and yit I think that thei nether wold have confessed breche of treatie nor blemyshe of honour; but omitting to urge that mater any farther, I beseche God that we both reapent not the drift of tym, when the remeady shall not be so easy. Yf you understood the daunger as I do, luf should compell you somewhat to exceed the bounds of your commission, yf you can fynd no meanes secreatlie to convey such liberalite, as freinds with you please to bestow upon such as otherwies cannot serve. I am less able att this present to compass such a thing, than be you and many mo of your acquentance now present with you; but this I will yit say, as of befor, that onless speady ordour be tacken in that case, our number will schortlie be so mean, that som will repent that thei sawe Edinburgh att this vayage.² Besides those whom befor

¹ See how Mr Knox still presseth his underhand management.

² We are often assured by these letters that had Queen Elizabeth abstained the Queen Dowager had soon prevailed.

I did speak, it will please you remember that the Master of Maxwell¹ hath susteained great damage. Ormeston is joyned with us, to the comfort of many. Touching secreasie, which ye request, I dar promess for som, and for myself; but difficill, it is, Sir, to bridill the tonges of a multituid in maters which must pass by publick and common suffrage, but maters which concern particular persons ar not to my knowledge verrey patent. I hope that God hath delivered me from the most part of those civill effaires, for now ar men of better judgement and greater experience occupied in those maters. Young Ledingthon, Secretarie, is delivered from the fearfull thralldom of the Frenchmen, and is now with us in Edinburgh, who, I truist, shall releas me of the presupposed journey. In few words, Sir, yf ye joyn not with us in oppen assistance, we will both repent when the remeady shal be more difficill. Ye have now the man to whom ye may communicat all things, to whom also I wold wishe ye had respect. The Lord prosper all to his glory, and to the comfort of our posteritie. In great hast from Edinburgh, this 29th of October 1559.

Yours to power,

JOHN SINCLEAR.

*Mr. Henry Balnavis to Mr Croft.*²

AFTER most hearty commendations, Rycht Worschipfull, this is to certifie, that the mater has evill chancit the Lord of Ormestoun, who by the Erle Bothwell was this last Tuseday at nycht besyde Haddyngtoun takin, hurt, and spolziet of that he hadde. How sone this word came to the Lords, they upon Weddinsday raid to Crechtoun,³ four hundrecht horsmen, thre hundrecht futemen, and certan peces of ordinance, trusting to have found there the Erle of Bothwell;

¹ [The Peerage Lists, especially Douglas' Peerage, edited by Wood, folio, vol. ii. p. 316, 317, under *Earls of Nithsdale*, represent that Robert fourth Lord Maxwell died in 1546, and was succeeded by his son Robert, who was served heir in 1550. This Lord was succeeded by his posthumous son John, who was served heir in 1569. Probably Robert fifth Lord, who in his father's lifetime was designated Master of Maxwell, is the personage mentioned by John Knox in this letter.—E.]

² Calig. F. 80.

³ [Crichton Castle, now in ruins, in the parish so called, on the banks of the Tyne, nearly five miles south of Dalkeith.—E.]

but he was departit suddanly upon ane hors without sadill, bout, or spoures. And then the Lords take the house, and put in the sam fifty hagbutars to keip it, and send the capitan of the said hous to the Erle Bothwell, desiring hym to restore the money, and redress the wrong done to the Lord of Ormestoun, or ellis they wold spolze the said house, and destroy it. As zit thay have resavit no answer of hym, bot this day ar ryddyn agane to that end, if he satisfie thame not, to performe the thing they promist him. Upoun Weddinsday last, the Frenchmen being advertest in Leyth of the small number left in this town, ischit furt and cam suddanly upoun certan pecis of ordinances lyand upoun the hill¹ betwen Leyth and Edinburgh, schoting at Leyth, and put the futemen, whiche was but ane few or small number, fra the said ordinance, and take two of the sam, one whiche was brokyn, and ane other, and chasit the futemen in with small hurt; and so maid suche a frey to the town, that all was out of order the space of two hours. Thar was slane of our syde pure men, wemen, and bairns in the sowborbs of the Cannogait, ten or twelve persones, and of the Frenchmen as many or mo, as thamselves hes grantit; amangs the whiche they want two capitans, whiche thay understand to be takyn, but thay ar dead indeid. All this mischance happinnit through the takyn of the Lord of Ormestoun.² As for his hurt, he will not be any thing the worse; but the lose of the money greves us sore, more for the discovering of the mater, nor the want of the money. Howbeit the sam is ane great dammage to us; for it shall not be possible to us till keip our men togydder without money, and that was the caus of the last written I send, our necessite being so great. And zit if heasty remead be not providit for oure support, it will be too true that I wrot; for we sall suffer the present dammage, and peradventure when you wald support us it shal be too lait, without the heastier expedition be maid now presentlie, considering that whiche was sent is lost.

It now behuffit me to answer to some points whiche ar laid to my charge, as doing my duety in the thing committit

¹ [Evidently the Calton Hill.—E.]

² [Cockburn, Laird of Ormiston, or proprietor, indicating Lord of the Manor of Ormiston.—E.]

to my credit. The first, that I was too slaw in advertesment geving. I answerit that in my last letter, that I gave sufficient advertesement to provide money in the letter I sent with Alexander Whitlaw, advertesing how every thing was appointit to be done as it is succedit indeit; and therefore desirit the money to be in reddyne about the last day of October, or soner: and this advertesement was geven be me sax wicks before the tyme. As for ony other materis of wecht or importance, I had none, till the tyme we cam to Edinburgh; and so thar is na suche great caus of sleuthfulnes toward my part. And as for my importunete in writtein, if you did know how I was urgt therto be the Lords, and also the necessite whiche cravet the sam, that mycht be easily borne with; but if I had writtyn to the Counsale, I wold have writtyn no less, hearing of thame by mouth-speaking, as I did heir of you, assuring ayd as necessite requirit. And as for keiping of closurs, that standit not in my hand you know; thay whiche sent me for that money must needis be upoun counsale of disponing therof, whiche was not possible to keip close, by reasone of the listing of the men of warre. It is knowing that we ar not hable, without support of others, to susteyn suche charges, and therefore our adversaries presumes we have support of you; yea veraly our awin selves cannot keip the sam close, becaus thar is so mony being in our counsale whiche cannot be brought to ane few number, as the mater is now standis with us. Last, where it is reportit to you, that the money I receyved was not bestowed upoun the commoun affaires, but upoun particular persones, &c. That is most ontrue, who evir reportit it, as I schall clerly schew; for there was ane thousand futemen incontinent listit, whiche ar payit ane monethes wages with the said money. And becaus thay thought more necessarie to have futemen then horsmen, ther was listit agane 500 futemen, whiche ar likewise payit ane monethes wages. And ane hundreth horsmen at the leading of the Lord of Gray and Alexander Whitlaw, whom I payit at the command of Mr Randolph, as having commission from you. And I deliverit to the Erle of Glencarn and Lord Boyd 500 crowns; which was the best bestowed money that ever I bestowed, ather of that or any other; the which if I had not done, our hoyll

interprise it hatht bene stayd, both in joyning with the Duke, and cuming to Edinburgh, for certan particular causes that war betwix the saids Lords and the Duke, which war sett down by that meanes be me so secrete, that it is not knowen to many. Her is the hoyll mater oppynnit upoun bestowing of the said money. Now judge you my ple. But in tymes to cum I shall save myself from such blame with the grace of God. I think I desservit more thanks. It was presumit that I had receyvit twentie thousand crowns, and wold not bestow it as every man wold. This is the commoditie that I had for my travell, bot I serve God principallie in this mater, and consequentlie that thing whiche may tender the common weale of baith thir realmes, as God beareth witnes to my conscience, and I am hable to justifie when tyme and occasion suit; so I take the less care of tales. Had I suit sum mennis appetites, thar hatht bene no word of the money bestowing; but hatht I done that, I culd not have answerit to you upoun my honour, as I dar now baldly write and speake. The man whom you desyre will be sent to you frely instruckit, how soone lasser may be had, and sum stay of thir present besyness. The payment of our futemen extendis monethlie everie ansenye¹ (whiche ar now sex in number) to L.290 sterling. The hundretht horsemen extends to monethlie, in ordinarie payment L.230 sterling. By this you may calkill what twa thousand fute-men and thre hundreth horsemen will tak monethlie, whiche is the least number the Lords desyris to have furnesat at this tyme. And as for the money lost by the Lord Ormestoun,² the Lords will send you thar writtyn upoun the sam as the mater hatht chancit. If Mr Randolphe hatht not bene her present, I wold have writyn oftiner to you; notwithstanding as materis occurris, and as I may have lesar, (whiche is rare) you shalbe advertest. Thus not molesting you longar, I committ you to the tuition of Almychty God. From Edinburgh the 4th day of November, anno Dom. 1559.

Your much assured frend at power,

HEN. BALNAVIS of Halhill.

¹ [Or *einseinye*, a company of soldiers.—E.]

² [The Laird of Ormiston.—E.]

XXII.—This Number is casually fallen by ; however it is of no great consequence, after what Mr Knox relates of the same thing. But to make more than amends to my readers, I present them here with some valuable Papers for illustrating the History, viz.—A true and faithful copy of the Short Discussion of the Weighty Matter of Scotland, p. 370 of [in] this Appendix [volume], taken for me out of the Cotton Library. It is all written by Sir William Cecil himself, and is as follows :—

A Breefe Consideration of the Weighty Matter of Scotland.

QUESTION, Whether it be meet that England should help the Nobility of Scotland to expell the French, or no ?

That No.—1. First. It is against God's Law to aid any subjects against their natural princes, or their ministers.

2. It is dangerous to do it: For if the aid be secret, it will not suffise ; if it be oppen, it is the break of peace, and entry into warres.

3. It may be dowted that when aid shall be given and money spent, the French may compound with the Scots, and pardon that error, to joyn both against England ; and more to be dowted, if warr should be made oppen ageyntst the French, for France had rather make a shamful composition with Scotland, than lefe it unto England.

4. It may be dowted that to stay the progress of relligion, the Emperor, the King of Spain, Potentates in Italy, the Pope, the Duke of Savoy, will rather conspire with the French than to suffer these two kingdoms to be conjoyned in one relligion.

5. It may be dowted that many in England and Scotland also that cold be content with the coincidation of them both in one monarchy, and to be delyvered of the French, will not willyngly accord to have them conjoyned in relligion.

That Yea.—1. It is agreeable to God's Law for every Prince and publick State to defend itself, not only from present perrils, but from perrils that be feared to come.

2. It is not disagreeing to God's Law to use the same manner of defence that the enemy useth in his offence.

These two principles not denied, it will easily follow that

England not only may, but owght by lawe of nature, helpe to expell the French from the conquest of Scotland.

1. First, The Crown of England hath a good, &c. (All what follows is verbatim and exactly the same as in Number LIV. of Burnet's Appendix, Conclusion, and every thing; so that it would be to no purpose to set down here).

*Instructions given by the Queen's Majesty to William Winter, Esq. Master of the Ordnance of her Majesty's Admiralty, sent at this present to the seas with fourteen armed ships to sail to Scotland.*¹

IMPRIMIS, He shall sail in one of those fourteen ships judged fittest by the Lord Admiral, and shall take with him the rest of the ships, as also the transports to carry provisions and military stores to Tinmouth,² Holy Island, or Berwick, and shall bring with him all the transports which he shall find in any port ready for that service, and shall endeavour to preserve that fleet, and keep good discipline therein.

Secondly, He shall make what dispatch he can with the foresaid ships of war, to convoy the transports to Berwick, &c. Then he is to consider, that if without danger of the fleet he may enter the Frith of Forth, but he is to be advised in this by Sir Ralph Sadler and Sir James Croft; and if he find it not dangerous, notwithstanding the French navy, he shall enter it, and commit no hostilities, unless attacked by the French, or Scots of their party; and he shall do what he can to defend the Queen's navy, and to offend the French to the uttermost, by shot, fire, or otherwise. But if he shall have no hostilities offered him, which probably the French will forbear, because of their weakness, yet he must perform the things following:—

1. He shall do what he can to hinder any French ship, or any assisting them, to enter the Frith with provisions or men, and that none come out of it, but to take and destroy them.

2. To hinder any ships within the Frith to land men, provisions, or military stores, for the use of the French or their

¹ N.B.—Sir Robert Cotton remarks that this is from an original in the hand of Secretary Cecil. Date 16th December 1559, F. 57.

² [Tynemouth, on the coast of Northumberland.—E.]

friends at Leith, Inchkeith, Dunbar, Blackness, or any other place.

3. He shall assist, as much as he can, the Nobility of Scotland and their party who have declared against the French, for the liberty of their country.

4. If he find a fit opportunity, and any prospect of success, he may surprize or fight the French navy, wherever he can find them ; to which end he must have his fleet in good order, and take what assistance he can have from the Scots who have declared against them. For the chief of his business is to hinder any more power to come from France, and to hinder any ship to go thence with intelligence.

5. If possible, he is to communicate with Sir Ralph Sadler and Sir James Croft, to whom he shall show his instructions, and with their advice shall undertake what shall be thought most fit for the Queen's service.

6. If it shall be thought fit not to attack the French fleet, and only to guard the mouth of the Frith, then he shall only be upon the defensive. To colour this, he is to give out, that he is either driven by wind, or that he is come to victual upon the coasts of Fife, or use some other pretext, till further occasion shall happen to commit hostility.

7. Though her Majesty hath many good reasons to make war upon the French, yet Mr Winter shall not name any as in the Queen's name ; but shall say, that having conveyed provisions to Berwick, he thought fit to ride in the Frith thirteen or fourteen days till the transports were unloaded at Berwick, and that he cannot ly there with his great ships. It is thought the French will soon give him some good cause to begin the war, except cowardice prevent them ; and though there be no other, he may challenge the French for carrying the arms of England, to the dishonour of his Sovereign and his country, and which he cannot bide. And so, as from himself, he may begin hostilities upon any prospect of success.

8. Upon the advice of Sadler and Croft, he may endeavour to victual his fleet, or part thereof, upon Fife-side, by the assistance of the free Scots, upon reasonable prices, by which he may save his provisions.

Lastly, He shall use great caution until Northfolk¹ be

¹ [See the note p. 114 of this volume.—E.]

come to the Borders ; before that time he should take the advice foresaid.

*Part of an Answer to be said to Monsieur de Seury, the French Ambassador, by commandment of her Majesty (the Queen of England), the 17th day of February 1559, by Sir William Cecil and Sir John Mason, Knights.*¹

THE next point is, her Majesty remembered that the Ambassador seemed desirous to know, whether her Majesty meant assuredly to keep peace with the French King. Whereunto her Majesty answered, that except she had contrary occasion offered to her, she meant no otherwise. And thereupon the Ambassador touched the aiding or comforting of such as he called rebels in Scotland, and therein her Majesty also coveting to end her speech, used the less talk. But because her Majesty meaneth not to say otherwise than she thinketh, although she will not many times speak all that she thinketh, therefore her Majesty in this case assureth them, that she doth not take the Nobility and nation of Scotland to be rebels, as they term ; but as the matter itself is manifest, they do shew themselves wise and natural subjects to the crown of Scotland, to adventure the offence of the French King for defence of his wife's right, their Sovereign. And indeed, if they should permit the kingdom now to be evicted out of the governance of the nation of Scotland, during the marriage and absence of their Sovereign out of their realm, and whilst she is directed only by the French and no Scots, both in Scotland, as by her mother and certain advocates of France, and in France by the Cardinal and Duke of Guise, truly the world might speak shame of them ; yea the Queen herself, if she should overlive her husband, should have a just occasion to condemn them all as cowards and unnatural subjects, specially having on their part the laws of the realm, and the force of divers pacts and covenants made by the French King ; and considering with what difficulty she was transported thence, and married to so mighty a Prince. Whereas no regard is had to her kingdom, but all that may be devised to cause her neglect her crown and estate.

¹ Calig. B. 10.

*A Memorial to be sent to the Queen-Dowager of Scotland (11th April 1560), by Chapperon, in Cyphers, deciphered.*¹

IN case the Bishop of Valence go safely to the Queen-Dowager, she shall understand by him how all things here passed with the Queen of England, the hardness that he hath found in her, and the wicked conditions which she requireth, as well for her own respect as for that of the Scottish rebels, whereby the said Dowager shall be well able to judge what is to be hoped for from England. She shall also know of the said Bishop of Valence, to what reason the French King would have come to quench the fire which the Queen of England doth nourish, and the means which he hath chosen to mollify her, and to take away all occasion of the jealousies which she sheweth to have of the forces which the King caused to be sent into Scotland. All which things have done no good, and little is to be hoped thereof, if the going of Mons. de Glacon, who is sent thither by the King of Spain, do no good in the matter.

By means whereof, if there be small hope to bring the said Lady to any reason, it seemeth to the said French King that the best that may be done is to essay to qualify the matters of Scotland, if it be possible, essaying to win some of the Lords with promise to be saved harmless, and to assure them of their pardon, and all that is past to be forgotten, so that they will return into the high way, and unto the King's obedience, which the King only desireth, according to the contents of a Memorial and Instruction which was given of this matter to the said Bishop of Valence, who knoweth the King's mind therein and the fine.² If the said Queen do continue still in her opinion, it is very hard, but the breach will be discovered out of hand; notwithstanding the King desireth, if there can no better way be taken, that every man should stand upon his guard, providing for the holds the best that may be possible, till the succours come that are to be sent thither, which shall be so good and so strong that he hopeth to have reason at the rebels hands, and also to keep the Queen of England from hindering him

¹ Calig. B. 10.

² i. e. Final resolution. This was probably the Latin order, p. 390 [of this volume].

to chastise the said rebels, and for all the month of June, or at the furthest, by the middle of June, the said succours shall be there.

In these succours shall be some vessels of the King of Spain, and a good company of his subjects, which he hath offered to the said French King to chastise the said rebels, having assured the King, that for that purpose he will assist him with all that is in his power to do. The Queen-Dowager is there accompanied with many honest men and good counsel, if she can find the means to bring the matters to a suspense; and so to order the same as it come not to arms, the King would take it in most acceptable part, as above all things he desireth, for that he feareth lest the slackness of his succours may be to his great hindrance, and yet nevertheless rather than he would do any thing in this case that should be to his rebuke, he is fully determined to abide that which it shall please God to appoint to him therein.

In the meantime, because the said Lady Regent may have means to supply the charges that she is at for the maintaining of the men of war, the King hath sent her within these eight days by the little mariner whom she sent hither, the sum of 6000 francs, with twenty barrels of powder, and now he sendeth her by Captain Chapperon another sum of 4000 crowns, having thought good to help her thus by little sums by divers ways, till such time as he may with surety send a good and great reinforcement of money, as he hath determined to do with the forces that shall pass thither.

And the said Lady may assure herself that he will not omit one only occasion on his part, whereby he may get any commodity to fortify her, or at the least, to essay to repair things by one means or other, for the benefit of the affairs on that side.

Forasmuch as the said Queen of England hath not in any thing been so earnest with the said Bishop of Valence as in that he had not commission to promise any thing to the said rebels, and to treat with her upon such points as she thinketh are not well understood, nor made plain between the King and her, there is sent presentlie a general commission, which the said Lady Regent may use towards the one and the other, as she shall see it requisite for the benefit of the affairs of the said realm of Scotland. So that finally

there needs none instruction be sent from hence more particularly ; referring the whole matter to the said Lady Queen Regent, and to the good Council which she hath about her.

(This seems to be an Abstract of the Memorial).

XXIII., XXIV.—A LETTER FROM THE COUNCIL OF ENGLAND
TO SECRETARY CECIL, &C.¹

AFTER our right hearty commendations, we have received your letters of the 8th of this month, and do thereby perceive what you have done with the French Commissioners upon your first meeting with them ; wherein, as you have very wisely and circumspectly begun, so mistrust we not but you will continue the like, and go forward in the same as occasion shall be offered. And where the Queen's Majesty received yesternight certain letters and intelligences out of France from Sir Nicholas Throckmorton, by Mr Jones, her Highness's servant, dispatched hither expressly for that purpose, her Majesty hath willed us to send the same unto you, which you shall receive herewith ; that is to say, an Instruction delivered by the said Jones touching the state of things in France, which he hath opened unto her Highness in such sort as you may perceive by the same ; certain intercepted letters sent by you, Mr Secretary, to be decyphered by Mr Sommer ; a Memorial sent to the Dowager of Scotland ; and a letter from Mr Throckmorton unto you, which have been decyphered here, to the intent you may by the same gather out such matter as you shall think may best serve for the bringing to pass of that you have presently in hand. And albeit we mistrust not but you can by your own wisdoms well enough note such grounds and points in the same intelligences and letters as are fittest to be provided for and considered, yet have we thought meet specially to put you in remembrance of two principal matters, whereof we think great consideration is to be had. We perceive first by the said intelligences, that the Dowager hath not only victualled the Castle of Edinburgh, but also hath begun to new fortify the same, meaning (as by the contents of these letters and advertisements may be gathered) that (if Leith shall be brought to any extremity) some sally in the night

¹ Calig. B. 10. an Original.

or other practice shall be attempted, to the intent thereby the chiefest persons within the town may escape to Edinburgh Castle, which place it seemeth they make account to keep, and therefore special regard would be had to the preventing and meeting with that matter, if any such thing shall happen to be intended. It appeareth also that of late there have two principal persons escaped by sea out of Leith and come into France, whereat we cannot but much marvel. And for the better looking to the like hereafter, it shall be well done you give knowledge thereof unto our very good Lord the Duke of Norfolk,¹ to the intent he may give warning to Mr Winter, to cause better heed to be given henceforth to his charge. And thus we bid you right heartily farewell. From Greenwich the 12th of June 1560.

Your assured loving Friends,

NORTH^r. PEMBROKE. HOWARD. THO. PARRY.

E. ROGERS. WILL^m PETRE. E. CLYNTON.

Dacon 4.

*A Letter from Sir William Cecil to the Queen of England.*²

It may please your most excellent Majesty, since our common letters of the 19th, wherein we declared how far we had proceeded to that time, we find that this abstinence hath done us much good divers ways. The strength of the town hath been quietly and truly viewed; there hath been also means used to draw some special men out of the town from the French, and at this present I perceive the men of war make little doubt of winning the town, having the army here to besiege it; nevertheless I and Mr Wotton take another way, and mean to obtain that by treaty with a peace to follow, that the others would by loss of blood, with a war to follow. We doubt not but to obtain all reasonable things, saving surety towards both these Realms, and such is the case, being betwixt a Prince and subjects, as we know not how to provide for surety of subjects against all adventures, without such dishonour to the Prince as neither will be

¹ [Thomas fourth Duke of Norfolk, who succeeded his grandfather the third Duke in 1554, and in 1572 was attainted and beheaded on a charge of high treason for his correspondence with the Scottish Queen Mary, then a prisoner in England.—E.]

² Calig. B. 10. an Original.

granted nor can reasonably be demanded for subjects. I assure your Majesty these cases be marvellous difficult to resolve, and yet considering I know the French malice, and am wholly addicted to your Majesty's honour and surety, I would not yield so much to the French Queen's honour in behalf of her subjects, if your coffers were full to maintain but one year's war, such would be your honour, conquest, and surety. Our greatest difficulty at this present will stand upon continuance of the league betwixt your Majesty and this Realm, wherein I find the Scots so peremptory as they all stand fast thereto, that they will never accord to break it of their part; within two days it will appear what shall ensue thereof, for I see the French be as peremptory, so that except the moderation come of our part, I see no hope of accord. Thus much I am bold to trouble your Majesty in this matter—

This afternoon Mr Wotton and I should have heard the French and Scottish artillery, I should say, Articles of their Treaty; but they be so long in planting, as I think it will be to-morrow in the morning before the battery will shoot off. The French seek all the ways they can to put a jealousy in the Scots of us, so as we see what they shoot at, wherein if there were not more trust that the matters would keep them asunder and us together, than in any certainty in the nation of Scotland, I would fear more than I do. But surely the hatred to the French is such, and the causes so many, the benevolence at this time towards England is so great, and that with such desert, as I see not that in long time, the French shall recover the minds of Scotsmen against us, as in times past hath been. Since the Queen's death there be none in Scotland that dare openly shew favour to the French. The Bishops that be most offended, dare not shew any countenance to these men, nor dare come out of the castle for hatred of the common people. We did offer the Archbishop of St Andrews a guard to come to the Ambassadors, but he durst not, and so the French Ambassadors went into the Castle to him and others. I will no more molest your Majesty, but——. From Edinburgh the 21st day of June, at four o'clock in the afternoon, 1560.

Your Majesty's humble subject and unwordy servant,

W. CECILL.

XXV.—The readers will see the Paper here intended to be referred to, in the Introduction to the Ecclesiastick Affairs, Book II. Chap. 14.

Lest it be thought that I have been too concise in the First Book of the preceding History, or have not supported some facts with their proper authorities; to prevent both these complaints I have inserted here all the Acts of Privy Council, from the oldest date of that Register in the year 1545, which can serve to enlarge or illustrate the same; only I have designedly omitted such Acts as will be found in the Appendix of the Book intituled, *Epistolæ Regum Scotiæ*, seeing those that are desirous may have the satisfaction to view them there. As for the Registers of Parliaments, I think I have omitted nothing in the History that could be of public use.

Apud Sanctum Andream, 25th Junij, 1545.

SEDERUNT *Cardinalis Cancellarius, Episcopi Dunblanen, Orchaden, Comites Huntly, Ergile, Bothwill, Cassillis, Glencairn, Rothes, Morton, Menteith,*¹ *Abbates Paisley, Dunfermelyn, Lundors, Glenlyss,*² *Dundrennan,*³ *Culros; Domini Fleming, Ruthven, Ross,*⁴ *Setoun, Yestir, Hume, Lindesay de Byris, Glammys, Somervil, Methven,*⁵ *Semple;*⁶ *Magistri Eglinton, Rothes, Semple, Montros; Domini Georgius Douglas de Pettindreich,*⁷ *Johannes Campbel Miles, Vice-*

¹ [William Graham, fifth Earl of Menteith.—E.]

² [The Cistertian Abbey of Glenluce, or Luce, was founded by Roland, Lord of Galloway, in 1190. The dilapidated ruins are in the vale of the Luce, above the parish church of Old Luce, Wigtonshire, near Glenluce village, at the head of the Bay of Luce. This Abbot is not known.—E.]

³ [Dundrennan Abbey, in the parish of Rerwick, or Rerrick, beautifully situated in the valley and near the village of its name, was founded by Fergus, Lord of Galloway, in 1140 or 1142. It is now a venerable ruin.—E.]

⁴ [Ninian Ross, fourth Lord Ross of Hawkhead.—E.]

⁵ [Henry Stewart, Lord Methven, second son of Andrew Lord Avondale, created Lord Methven in 1528, after he married the Princess Margaret of England, Dowager of James IV., and mother of James V.—E.]

⁶ [William Sempill, second Lord Sempill.—E.]

⁷ [Sir George Douglas of Pittendriech, father of James fourth Earl of Morton, afterwards Regent. Sir George was the second son of George Master of Angus, eldest son of Archibald fifth Earl of Angus, or *Bell-the-Cat*.—E.]

*comes de Are,*¹ *Garlis,*² *Lochinver,*³ *Blarquhan, Lag junior,*
*Ninianus Crechton, Coldounknowis, Cessfurd,*⁴ *Sauchty.*

THE quhilk day, anent the expositioun maid in presence of the Quenis Grace, my Lord Governour, and Lordis above-written, be Mons. Lorge, send fra the maist Cristine King of France, with ane support of men of weir, baith on horse and foot, for the defences of this realme, owther to defend or invaid the common inimy of Ingland, as it sall plese my Lord Governour and my Lordis Estaitis of this realme; and offerit himself, with all that he hes brocht under the charge, reddy at all hour and tyme as he sall be desyrit thairto. Desyrand thairfore my Lord Governour and Noblemen of this realme to declair thair pairt, and latt him understand quhat deliberatioun thai will giff in this behalf, and how thai will use themselfis in the premissis. My Lord Governour, Lordis, Baronis, and Gentlemen underwritten, quha hes presentlie subscrivit this present Act, all in ane voce, without discrepance or variance, hes declarit, every man for his awne pairt—That sen the said maist Cristene King of France hes schawen him sa grete and tender ane friend, luifing fader to the Quenis Grace, our Soverane Lady, and defender to this realme, that baith thai and all the remanent Nobillis and Baronis of this realme, and uthers lieges thairof, sall and suld be reddy att the utmaist of their power to defend, as the tyme sall be thocht expedient to my Lord Governour and Counsall of this realme, agains the said auld inimy of Ingland, and to invaid the realme of Ingland als oft as the occasioun of tyme sall occur, and be thocht necessar and profittable. James G. D. Cardinalis Cancellar. — Brechynen.⁵ W. Dunblanen. Jo. Orchaden. Arch. Erle of Angus, G. Erle of Huntly, Arch. Erle of Argyle, Patrik Erle of Bothwell, Rothes, Glencairn, Cassils, Erle of Montrois, Jhone Erle of Mon-

¹ [In the Peerage Lists *Sir Hugh Campbell* of Loudon, an ancestor of the Earls of Loudon, is mentioned as Sheriff of Ayr.—E.]

² [Sir Alexander Stewart of Garlies, an ancestor of the Earls of Galloway.—E.]

³ [Sir James Gordon of Lochinvar, who fell at the battle of Pinkie in 1547, an ancestor of the Viscounts of Kenmure.—E.]

⁴ [Sir Walter Ker of Cessford, an ancestor of the Dukes of Roxburghe.—E.]

⁵ [John Hepburn, Bishop of Brechin.—E.]

teith, William Lord —¹, Alexander Lord Elphinston, Drummond, Jhone Lord Lindesay, — Lord Somervil, Lord Weems, — Glammys, Jhone Lord Hay of Yester, Ruthven; James Commendator of Kelso and Melross, &c. Dunfermlyen, E. Commendator of Driburgh, Lundors, Paisley, Hary Abbot of Drumdrennane; Maister of Eglington, Maister of Semple, Shirrif of Ayr, Jhone Campbel of Cauder, Knight, Alexander Stewart of Garless, Jhone Kennedy of Blarquhan, Thomas Kennedy of Bargenny, James Gordon of Lochinvar, — Walter Ker of Cessfurd, Ninian Chrechtoun of — Robert Maxwell, Drumlangrik, Jhone Johnston of that Ilk, Mr Walter Scot of Branxholme, Knight, Thomas Kilpatrik of Closeburne, Jhone Grerson of Lag, Mungo Muir of Rowallan, Alexander Howme, Jhone Howme of Blaketer, Robert Boyd of Kilmarnok, Nychol Quhitfurde of Findol, Patrik Howme of Broomhouse, George Douglas.²

The samyn day, in presence of the Quenis Grace, my Lord Governour, Lord Cardinall, and all the remanent of the Lordis spirituall and temporall above-written, hes chesin the Erlis of Anguss, Huntly, Ergile, Bothwill, Rothes, and Glencairn, to sitt with the Quenis Grace, my Lord Governour, and Cardinall foresaids, and to article, declair, and conclude upon sik matteris as concernis the forme and manner of the weir, baith to defend agains the common inimy of Ingland, and to invaid the Realme of Ingland als oft as the occasion of tyme sall occur, and sall be thocht necessar and proffitable, and siklike upon the matteris concerning the ordering of the Borderis.

Linlithgow, 1st November 1545. Præsente Domino Gubernatore. SEDERUNT Cardinalis Cancellarius, Episcopus Candidæ Casæ, Domini Ross, Sempil; Abbates Paslay, Melross; Secretarius, Clericus Registri.

— anentis Scotland,³ hes commandit and chargit that na

¹ The blanks all along are such names and parts of the register as cannot be got read.

² This has been the Convention of Prelates, Earls, Lords, and great Barons, appointed to meet in Edinburgh the 24th of June, by the Act of Council, 7th June 1545. See *Epistolæ Regum Scotiæ*, vol. ii. p. 328.

³ The first two lines of the Register cannot be read, but in the Earl of

presoneris Inglismen takin be Scottismen, and lattin hame again — upon thair band and faith to entre how soon thai were callit for be thair takarris, suld entre again to thair takarris, agains the auld use and consuetude observit and kepit upoun the Bordoris, breakand thairthrow thair faith and hurt to thair honesty gretlie; thairfore my Lord Governour, with avise of the Lordis of Counsall, hes statute and ordanit that nane Scottismen takin presoneris be Ingland, and lattin hame upoun thair faith and goidteis, entre again to thair takarris in Ingland, under the pane of tresoun; because it is consonant to all law, resoune, equitie, and justice, that every man do and keip sik law and part as is done, statute and kepit to thame be thair partie adversar; that letteris be directit heirupoun to the Wardanis of the Estir, Myddill, and West Merches, and thair Deputis, to mak publicatioun and intimatioun of this ordinance at all publick places of the Bordoris, as hes bene usit in tymes bigane, and to command and charge all and sundry our Soverane Ladyis liegis dwelland within the boundis of thair Wardanance, to observe and keip the samyn, under the pane foresaid.

*Apud Edinburgh, 23d Maij 1546. Præsente Domino
Gubernatore.*

SEDERUNT *Cardinalis Cancellarius, Episcopi Candidæ Casæ,
Dunblanen, Orchaden, Comes Errole; Abbates Paslay,
Dunfermling; Dominus Maxwell, Dominus Wilielmus
Hamilton.*

THE quhilk day, forasmekleas my Lord Governour and Lordis of Counsall understandand that thair is diverss of Mers and Teviotdale that sitts under assurance of Ingland, incontrar the tenour of the Act maid thairupoun, incurrand the panes contenit thairintill: Thairfore my Lord Governour and Lordis of Counsall ordain the Justice-Clerk to call all sik personis that sittis under assurance, as said is, quhais names salbe gevin in bill att particular justice-courtis, to

Haddington's Collections we find the Act runs thus:—viz. "Proclamation that seeing the Earl of Herford, Lieutenant of England fornent Scotland, has discharged all English prisoners lettin free upon their faith and suretie to return unto Scotland, being required to observe the same: Therefore," &c.

underly the lawis for the samyn, after the forme and tenour of the Act maid thairupoun.¹

Striveling, 10th Junij, 1546.

It is divisit and ordainit be the Quenis Grace, my Lord Governour, and haill Lordis convenit in this present Conventioun, that certain Lordis remane with my Lord Governour, and be of secrete Counsall with him in all matteris, and thai to remane monethly with him, and that to the nowmer of foure; and the first moneth to begin this day, viz. the tent day of Junij instant.

Thir ar the Lordis devisit to remane the first moneth, and to begin the said tent day of Junij instant, and to remane quhill the tent day of Julij nixt thairafter; *Imprimis*, Robert, Bischop of Orknay; George, Erle of Huntly; William, Lord Ruthven; Sir George Dowglas of Pettindrech, Knicht.

Thir ar the Lordis devisit to remane the second moneth, and to begin the said tent day of Julij, and to remane unto the tent day of August nixt thairafter; Gawin Archbischof of Glasgow, Archibald Erle of Angus, Hew Lord Somerveil, George Abbot of Dunfermelyn.

Thir ar the Lordis devisit to remane the third moneth, and to begin the said tent day of August, and to remane quhill the tent day of September nixt thairafter. William, Bischop of Dunblane; Archibald, Erle of Argile; William, Erle of Glencairn; Donald, Abbot of Couper.

Thir ar the Lordis devisit for the ferd moneth, and to begin the said tent day of September, and to remane quhill the tent day of October nixt thairafter: Patrick, Bischop of Murray; Patrick, Erle Bothwell; Gilbert, Erle of Cassellis; Malcolme, Lord Fleming.

Thir ar the Lordis devisit for the fift moneth, and to begin the said tent day of October, and to remane quhill the tent day of November nixt thairafter: William, Erle Merschell; William, Erle of Montrose; Andro, Bischop of Galloway; Sir William Hamilton of Sanquhar, Knicht.

Item. It is devisit and ordanit that my Lord Thesaurar, Secretar, Comptrollar, and Clerk of Counsall, and Justice-

¹ There are several Acts to be met with in the Records against *assured* persons, and very justly, because these persons assisted the English in making depredations within the limits of Scotland.

Clerk, and Advocat, be of Counsall, and remane continually thairupoun.

Item. It is devisit and ordanit that quhen thir five moneths ar furt runnin, and the Lordis hes bidden thair moneths after the manner and order foresaid, that the foure Lordis that begane the first moneth, viz. at the tent day of Junij, sall entre again the said tent day of November, and remane during the space of ane moneth; and siclike, the remanent of the Lordis above-written, to cum and remane be the said space of ane moneth, ilk ane of thame in thair awne rowme, eftir the forme, order, and maner before expremit.

Item. Notwithstanding this division of the Lordis of Counsall devisit to remane with my Lord Governour monethly, it is devisit and ordainit that quhen ony utheris of the Lordis of Counsall before namyt cummys or happynis to be present, that thai sall be of Counsall with my Lord Governour and the foure Lordis that sall happyn in that moneth with his Grace for the tyme.

Item. Becaus the Lordis Erskin and Levingston, Lordis chesin to be of secret Counsall, may not remane with my Lord Governour, becaus of the keiping of our Soverane Ladyis persone: Nottheless it is devisit and thocht expedient that quhen any of thame cummys, that thai salbe of Counsall with my Lord Governour as said is.

St Andrews, 11th Junij, 1546.

THE quhilk day my Lord Governour, in presence of the Quenis Grace and the Lordis of Counsall, hes for gude concurrence to be had for the commonweill of the realme and stanchyng of division, dischargit the contract and band maid to him be quhatsumevir Noblemen of the realme anents our Soverane Ladyis merrage, and sall destroy the samyn, and discharge all Noblemen that hes consentit thairto of the said band. And siklik, the Quenis Grace hes dischargit all bands maid to her be all manner of Noblemen, incontrar the said contract. And als, my Lord Governour, with avise of the Quenis Grace and Lordis of Counsall, hes dischargit and dischargis all bands betwix the Noblemen of the realme and utheris, and decernis the samyn to be of nane avail, force, nor effect in all tymes to cum, conforme to the auld Act of Parliament maid thairupoun.

And als, my Lord Governour hes declarit that he will reward all Noblemen of the realme, every man in his awne degre, for his gude service done, and to be done to the Quenis Grace, and the autorite, to thair contentation, in sa far as he may.

Edinburgh penult. Julij. 1546. Præsentibus Regina et Gubernatore.

SEDERUNT *Gavinus Archiepiscopus Glasguen. Episcopi Candidæ Casæ, Orchaden, Comites Huntlie, Cancellarius, Angus, Bothwell, Cassellis, Merschell; Abbates Paslay, Culros, Dryburc, Dunfermelyn; Domini Fleming, Ruthven, Setoun, Hume, Lindesay de Byris, Hay de Yestir, Somerveill, Glammys, Elphinston, Secretarius Dominus Georgius Douglas, Wilielmus Hamilton de Sanchar Milites, Clericus Registri.*

— And becaus the said umquhill Cardinall Chancellar hes mony greit freindis in Fiff, Lowthiane, Angus,¹ and utharis pairtis, quhairthrow the zaidis personis may allege ane feir and dredour that thai may nocht cum to allege thair defens in the said mater, nor have sure passage to the town of Edinbure; thairfore ordanis Letteris to be directit to officeris of the Quenis Sherriffis in that pairt, to pass, command, and charge all and sundrie our Soverane Ladyis liegis, be oppin proclamatioun at the mercat-croces of the burrowis of Edinbure and Cowpar, and utharis places neidfull, that nane of thame tak upone hand to mak ony molestatioun, truble or impediment to the saidis personis in thair bodeis, landis, and gudis utharwayis than law will, bot that thai may frelis cum to the bure of Edinbure, pass and repass thairfra, and uis thair defens aganis the said summondis as accordis, under the pane of tynsell of lyff, landis and gudis.

Edinburgh, 21st August 1546.

THE quhilk day, forsamekle as thair is ane pece takin and standand betwix our Soverane Lady and hir derrest uncle the King of Ingland, quha hes written to hir Grace, shawand

¹ [The counties of Fife, Linlithgow, Edinburgh, Haddington, and Forfar.—E.]

that thar is certane Scottis schippis in the Est seis and utheris placeis that dailie takis, rubbis, and spulzeis his schippis and liegis of his Realme, passand to and fra, desyrand thairfore hir Grace to putt remeid thairto, for keiping of the said parte ; thairfore ordanis Letteris to be directit to officeris of the Quenis Sheriffis in that pairt to pass to the mercat-croces of Edinbure and Kyngorne, Dysart, and Pittinweme, Kircaldy and Inverkeithing, Quenisferrie, pere and shore of Leith, Dundee, Aberdene, Montrois, Are, Irwyne, Dunbertane, Glasgow, and uther placeis neidfull, and thair, be oppin proclamatioun, command and charge all and sundrie our Soverane Ladyis liegis, that nane of theme tak upoun hand to pass furt in weirfair, unto the tyme thai cum unto my Lord Governour and Lordis of Counsall, and have his Grace's licence under our Soverane Ladyis Previe Seil or Great Signet, and subscription of my Lord Governour, with sik restrictionis as sall be gevin to thame, under the pane of tynsell of lyff, landis, and gudis ; and gif ony schippis happynis to depairt, that nane of thame tak upoun hand to invaid, tak, truble, or molest ony Inglis schippis, under the pane foresaid.

Apud Edinburgh, 21st Augusti 1546. Presente Domino Gubernatore.

SEDERUNT Episcopi Dunkelden, Orchaden, Comites Angus, Cassillis ; Abbates Couper, Dunfermelyn, Ad. Otterburn, Clericus Registri.

THE quhilk day, that forsamekle as it was devisit before be my Lord Governour and Lordis of Counsale for apprehending of Norman Leslie, sometyme Fiar of Rothies, James Kirkaldy of the Grange, Petir Carmichell of Balmadde, Johnne Leslie of Parkhill, and thair complices, our Soverane Ladyis traitoris and rebellis, and recovering of the Castell of Sanct Androis furth of thair handis, that the said Castell suld be assegit : And to that effect it was thocht expedient that the Realme suld be devidit in foure quarteris, and every quarter to remane with my Lord Governour at the said assege for the space of xx dayis, and the first quarter to begin upon the xxix day of August instant, and to remane with his Grace unto the xvij day of September nixt

thairefter. And that his Grace suld not be dissolat of men, the second quarter to begin twa dayis before the outtryning of the said xx dayis, and sa furt quarterlie during the tyme of the said assege, as in the first act and ordinance maid thairupoun is at mair lenth contenit: Thairfore ordanis letteris to be directit to the Sheriffis of Perth be-est Tay, Forfar, and Kincardine, and thair Deputis, and utheris officeris of the Quenis Sheriffis in that pairt, chargeing thame to pass to the mercat-croces of all burrowis within the saidis schiris, and utheris places neidfull, and thair be oppin proclamatioun, command and charge all and sundrie Erlis, Lordis, Barronis, landit-men, Gentlemen, and uther substantial zemen, men dwelland within the boundis foresaidis, baith to bure and to land, alsweill regalitie as rialte, dwelland upon spretualle mennis landis as temporalle mennis landis, that thai weill bodin in feir of weir, in thair maist substantial manner, be in Sanct Androis the xvi day of September nixt to cum, weill furneischt, to remane thairintill unto the sixt day of October nixt efter thair cuming to the said town, to the effect foresaid, under the pane of tinsell of lyff, landis, and gudis.

Item. Siclik letteris to be directit to the third quarter in the samin sort and manner.

Item. Siclik letteris to be directit to the feird quarter in the samin sort and manner.

Apud Sanctum Andream, 2d Octobris, 1546.

SEDERUNT Episcopi Dunkelden. Moravien. Comites Angus, Ergile, Bothwell; Postulatus Rosen.; Ad. Otterburn de Reidhall, Wilielmus Hamilton de Sanchar Milites, Clericus Registri.

THE quhilk day it is thocht expedient be the Lordis above written, that ane Commissioun be maid to certane personis to pass in Ingland wele instructit, for to offer to the King of Ingland the acceptation of the Comprehension of the Quenis Grace, this hir realme, and liegis thairof, maid in the article and treaty last past betwix the King of France and Ingland, and efter the forme of the articlis send thairupon with Mons. de Mandoise, and ask the King of Inglandis confirmatioun thairupoun.

Item, ——— Comprehension ——— a possible diligence ——— of the King of Inglandis utir answer, and sall remane quhill the answer cum agane.

Item, That ane Commissioun be maid to the saidis ambassatoris that pass in Ingland, to commone, treate, and conclude upon ane peace and abstinence of weir, as sall be devisit, for ane space lang or schort, efter the informe of the instructionis and articlis to be gevin in that behalf.

Item, In cais the King of Ingland will not accept the Comprehension in manner and forme as it is maid, that ane persone have power and commission to pass to the King of France, and schaw in quhat pointis this realme is dampnagit and skaithit throw the said generall Comprehension; and gif the King of Ingland will mak weir upon this realme, and invaid the samyn, to require thairfore the King of France, be virtew of his lieg, to declair the King of Ingland his inimy, and defend, supple, and debait this realme, conform to the treateis past betwix the Kingis of France and Scotland, and thair predecessoris of before.

Sanct Androis, ——— December 1546.

THE samyn day it is thocht expedient be the Quenis Grace and Lordis of Counsall, that my Lord Governour sall pass toward the Bordoris, with sik cumpany as he sall pleis to tak to him, and to vesy the samyn, and put ordour thairto as he sall think expedient, at the xxij day of Zule: Nottheless the quarteris to cum, and remane at the assege of the Castell of Sanct Androis, ilk quarter in his tour, efter the forme and tenour of the letteris and proclamation directit thairupon.

11th October 1547.

SEDERUNT Episcopi Dunblanen. Moravien. Candidæ Casæ; Abbates Couper, Dunfermelyn, Culros; Postulatus Glasguen. Thesaurarius Glasguen. Vicarius Generalis, ejusd.

THE quhilk day, forsamekleas the haill clergie, Prelatis, and beneficed men of this realme, laitlie grantit to my Lord Governour for the furt bering of our Soverane Ladyis auctorite, and repressing of faltors, and for divers utheris causis, the sowme of 2500 lib. to be payit be thame to his Grace at

the Feist of Midsomer last bipast, and the sowme of 2500 lib. at the Feist of Sanct Andro nixtocum, likeas in the act maid thairupon is at mair lenth contenit. And now the Prelatis and Kirkmen above writtin haifand respectis to the effaris of this realme presentlie occurrand, and in speciale that our auld ynemeis of Inglan hes be way of deid takin the places of Sanct Colm's Inche,¹ the Craig and places of Bruchty,² the place of Hume³ and Aldroxburgh,⁴ and hes ramforsat⁵ the said, and biggit fortalices and strenthis thair-intill, and daylie and continuallie perseveris in thair bigging and ramforsing of the saidis places, quhilks may engenner ane great inconvenience, without the samyn be haistelie remeidit; and for recovering thairof furt of thair handis, the saidis Prelatis and benefittit men above writtin hes instantlie advansit to my Lord Governour, to the effect forecaid, thair partis of the said Androis-mess-terme, togidder with the rest of the last midsomer terme awand be thame, and promittis to pay the samyn incontinent in hand. And thairfore exhortis and prayis the remanent of the Prelatis and beneficit men of this realme that ar awand ony rest of the last Midsomer terme, and siclik that aucht to pay the nixt Androis-mess terme. That thai and ilk ane of thame for thair awin pairt, awans now instantlie incontinent the said taxt, and pay the samyn in hand to the effect fore-said, for the causis above writtin; and in likwys ordanis letteris to be directit heirupon as effeirs. And gif ony inferiors——

¹ [The Island of St Colm in the Frith of Forth, opposite Aberdour.—E.]

² [Broughty Castle, on the Tay, four miles below Dundee.—E.]

³ [Home Castle, in the parish of Home or Hume annexed to Stichel was the residence of the Lords Home, and was for ages a noted stronghold during the Border wars and contentions. It was surrendered to the Duke of Somerset in 1547, and retaken in 1549. Home Castle was besieged and dilapidated by Oliver Cromwell. According to a local tradition, when James II. marched to besiege Roxburgh Castle he left his Queen in this stronghold, and on the day she was proceeding to visit her royal husband she was met about a mile from Stichel House by a messenger, who informed her that the King was killed by the bursting of a cannon. The tradition farther adds that this melancholy intimation caused premature labour, and the Queen gave birth to a child on a hill since known as the *Queen's Hill*.—E.]

⁴ [The castle of Roxburgh, or Auld Roxburgh, near Kelso, at the siege of which James II. was killed. It was a Border fortalice of great strength.—E.]

⁵ [Reinforced.—E.]

THE samyn day ane Reverend Fadir in God, Johnne Bischop of Dunkeld, and the remanent of the Kirkmen above-written, understandand the place of Sanct Colm's Inche is laitlie takin be our auld ynimeis of Ingland, and that thai now instantlie ar biggand and ramforsand the samyn, and without the saymn be haistilie persewit and recoverit furt of thair handis, thair may follow greit inconvenientis to this realme, quhilkis may not be weill heireftir ramedit. Thairfore ordanis the Abbot of Sanct Colm's Inche to content and pay to my Lord Governour the sowme of five hundredth pounds usuale money of this realme, of the reddiest furth of the said Abbacy, of this instant zeir and crop, to fee wageors and men of weir for recovering of the said place furt of the handis of our saids auld ynimies, becaus his Grace hes instantlie debursit the saymn before hand to the effect foresaid; and ordanis the said Abbot and his Convent, religious men, be honestlie stakit and furnischit, as effeirs, in the places of Sanct Androis, Arbroth, Scone, Lundors, Dunfermling, Pasley, Cambuskynneth, and sik utheris religious places, as sall be thocht expedient to put thame into for this zeir.

19th February 1547.—THE quhilk day, the Quenis Grace, my Lord Governour, and Lordis of Secret Counsale, understandand perfytlie that our auld ynimies of Ingland being in the Hous of Brouchy, ar apperandly to invaid the burc of Dundee, and haill cuntre, and to burn, herry, sla, and destroy our Soverane Ladyis liegis dwelland within the boundis thair-of, without thai be resistit: Thairfore it is devisit and ordainit be my Lord Governour and Lordis foresaidis, that thair salbe rasit thre hundreth men of weir, of the quhilkis ane hundreth hagbuttis, ane hundreth speirmen, the ane half to be equallie furnist be the greit Prelatis constitute in dignitie of this realme, thair payment extending to 600 lib.; and the uther half be the inhabitantis of the burc of Dundee, and ane hundreth horsemen to be furnist be the baronis and landit men of the shereffdome of Perth, fra Tay eist, and sherifdomes of Forfar and Kincardin; providing that thair be at all tymes ane certane of the baronis of the shereffdomes forsaidis with the saidis horsemen as salbe thocht expedient be my Lord Lieutennent, and all the saidis men of weir to be haldin and payit for the space of ane

moneth, beginnand at sik day as salbe appointit to thame be my Lord Lieutennent ; and ordainis letteris to be directit heirupon to command and charge all and sundry the Baronis foresaidis, and landit men of the foresaidis sherifdomes, to Burc and to Land, of quhat degre thai be of, to answer and obey the premissis as thai salbe commandit be my said Lord Lieutennent, under the pane of tinsell of lyff, landis, and gudis. And siklik to require the saidis Prelattis to mak payment of thair partis of the said taxt, devisit to the effect above writtin, ilk ane for thair awne pairt, efter the forme of the taxt-roll maid thairupon, within xxiv houris nixt efter thai be requirit, under the pane of rebellion, and failzieing thairof to put thame to the horne.

Vlt. Februarij 1547.

SEDERUNT *Episcopi Dunkelden.* — *Abbates Dunfermelyne, Melros ; Dominus Borthwick, Clericus Justiciaræ.*

THE quhilk day, in presence of the Lordis of Counsale comperit Johnne Lord Borthwick, and at my Lord Governour's command hes takin upoun him the cure and keiping of the place and fortalice of Halis,¹ and hes bund and oblist him to keip the samyn surlie fra our auld inimies of Ingland and all utheris, and sall nocht deliver the said place and fortalice to Patrick Erle Bothville, nor nane utheris in his name, but my Lord Governour's avise and command, under the pane of ten thousand pundis. And in cais ony advertisement cummis, that our auld ynimies intendis to cum and persew the said Hous, and to recover the samyn furth of the said Lordis handis, than, and in that cais, the said Johnne Lord Borthwick bindis and oblissis him to mak sik advertisement to my Lord Governour upoun the space of four dayis warning, that his Grace may send xxiv horsemen to the said place of Halis, for keiping thairof, and sall mak thame con-

¹ [Hailes Castle, formerly a residence of the Earls of Bothwell, on the banks of the Tyne, in the parish of Prestonkirk, Haddingtonshire, upwards of two miles from the village of Linton, or *Lintyne*. It is rapidly decaying, but its ruins indicate that it was a large edifice and of great strength. The notorious Earl of Bothwell conducted Queen Mary to Hailes Castle after he persuaded or forcibly compelled her to unite herself with his evil fortunes.—E.]

voy surlie to pass and repass fra the samyn within the said space, under the pane foresaid; and the said advertisement to be maid outhir to the capitane of the Castell of Dunbar, or to the capitane of the Castell of Edinbure, in my Lord Governour's absence. And at the cumming of the said horsemen, the said Lord Borthwick bindis and oblissis him to deliver the said place to thame, to be usit as salbe comandit be my Lord Governour, under the pane above writtin.

THE samyn day, Elizabeth,¹ Prioires of Hadyngton, hes takin upon hir the cuire and keiping of the place and fortalice of Nunraw,² and hes bundin and oblist hir, and be the tenor heiroy bindis and oblissis hir to keip the samyn surlie fra our auld ynimeis of Ingland and all utheris, and sall not deliver the said place to na maner of personis but my Lord Governour's avise and command. And in cais——the samyn, and that——place, than, and in that cais, bindis and oblissis hir to cast down and destroy the samyn, swa that na habitatioun salbe had thairintill frathynefurt.

THE saynn day, forsamekleas my Lord Governour and Lordis of Counsale hoifand respect to the divers enorme and exorbitant crymis committit and done by the Lardis of Ormestoun and Bruntstoun,³ and siklik be the keiperis of the hous of Saltoun, and for thair false and treassonabill dedis, and how that thair housis of Ormestoun, Saltoun, and Gilbertoun,⁴ hes bene put in our auld ynimeis handis, to

¹ [This lady was Dame Elizabeth Hepburn, Prioress of the Convent of Cistertian Nuns founded and amply endowed in 1178 by the Princess Ada of Northumberland, mother of Malcolm IV. and William I., and dedicated to the Virgin Mary.—E.]

² ["Place of Nunraw," which the Prioress of Haddington undertook to keep, was a fortalice on lands belonging to the Priory in the parish of Garvald, a few miles from Haddington, which the nuns caused to be erected for protection against the cupidity of their dangerous and powerful neighbours the Laids of Yester, one of whom in 1471, in conjunction with the Laird of Makerston, seized their adjacent lands of Nunhopes. The present mansion of Nunraw is part of the old edifice, and bears marks of antiquity.—E.]

³ [Cockburn of Ormiston and Crichton of Brunstone, the latter a ruinous castle near Penicuik, two noted leaders of the "Congregation."—E.]

⁴ [The residences of Ormiston in the parish so called, of Saltoun, in

the subversioun of the cuntre to thair opinioun ; and last of all, aur saidis auld ynimeis hes bene presentlie in the saidis houses, quhairthrow thai have declarit thame oppen and manifest tratoris and resatoris of our saidis auld ynimeis ; and for the persute thair of my Lord Governour hes presentlie assegit the saidis housis, and recoverit the samyn be way of deid ; and becaus the saidis Housis may engenner cumeris in the cuntre, and that na personis will tak upoun hand to keip the samyn surlie fra our saidis auld ynimeis, thair assisteris and partetakaris : Thairfore it is divisit, statut, and ordanit, that the saidis housis of Saltoun, Ormestoun, and Gilbertoun, be cassin down, swa that na habitatioun salbe had in ony of the saidis places to our saidis auld ynimeis fra thyne furt in ony tymes to cum.

Nota.—*Because the Registers of Privy Council from this time to anno 1550 are lost, these following are taken from Earl of Haddington's Collections.*¹

28th Aprile 1548.—Proclamation commanding the inhabitants of Lowthian, Mers, Tiviotdaill, Lawderdaill, and Forest of Ettrik,² quho war assurit with Ingland, to cum to the Governour upon Monanday at evin to the armie, to tak pairt with the enimeis of Ingland, assuring thame that thai sall haif ane frie remissioun for byganes, excepting such personis as at presentlie under the proces of treasoun ; with certification, that quha faillis sall be reputt ane traittour.

20 Junij 1548.—The towne of Dundie ordanit to stay from the raid, and to waig 100 sowldiers to attend the Laird of Dun, directit to stay in Angus to resist the Englishmen ; and that the townsmen of Dundie await upon the

that parish, and of Gilberton, properly *Gilmerton*, in the parish of Athelstaneford, all in the county of Haddington. Salton and Gilmerton are in the neighbourhood of the town of Haddington.—E.]

¹ [Minutes of Parliament, Privy Council, and Exchequer, MS. folio, in Advocates' Library, Edinburgh, collected by Sir Thomas Hamilton of Priestfield, a Judge of the Court of Session by the title of Lord Drumcairn, created Lord Binning in 1613, appointed Lord President of the Court of Session in 1616, created Earl of Melrose in 1619, and Earl of Haddington in 1627, and compiler of the Decisions of the Court of Session from 1592 to 1624.—E.]

² [The districts mentioned comprise the counties of Linlithgow, Edinburgh, Haddington, Berwick, Roxburgh, and Selkirk.—E.]

Laird of Dun, and watch and waird with him as that salbe commandit be him, under the pane of tinsell of lyff, landis, and gudis.

2 *Julij* 1548.—George Lord Setoun appointit to be marshall of the haill armie at this tyme, and to appoint every Nobleman and otheris thair rowme and place where thai sall ly, with command to all men to obey him and his deputtis thairanent, under the pane of death.

Ordinance that thair sall be ane michtie watch of the haill half of the armie, and that the one half await upon the Erle of Angus, and the other half upon the Erle of Ergile, thair nicht about.

10 *Januarij* 1548.—Ane fort appointit to be biggit at Inneresk,¹ and the towne of Edinburgh furnisch 300 men, with pick, mattock, schule, spade, to work thairat be the space of sax dayis, as thai sall be commandit be the Commissionar appointit for that effect: As alsua, that every pleugh of aucht oxen betwix Lithgow and Hadington, in the sherifdome of Lithgow and Lowthian, furnisch ane man boddin as said is, fore the space foresaid, and ilk fotchpleuch furnisch twa men, under the pane of 40 sh. to be upliftit be the saidis Commissionaris for ilk pleuch.

— *April* 1549.—Mention maid of the taxt of 30,000 lib. grantit be the clergie.

6 *Maij* 1549.—Ane taxt of twelve thousand pundis, imposed by the Lordis of Secret Counsall upon the borrowis, for waiging sowldiers for defense of the realme agains Ingland.

Apud Edinburgh, 22d Junij 1549.

THE quhilk day the Quenis Grace, my Lord Governour, and Lordis of Secret Counsall, having respect of the necessitie of the tyme, and the ease and profite that may redound to this

¹ [Inveresk, close to Musselburgh, a town situated in the parish of Inveresk, at the mouth of the Esk, which falls into the Frith of Forth between Musselburgh and Fisherrow. This fort was intended to be built on the hill of Inveresk, on which the parish church is situated, a beautiful eminence once a station of the Romans, whose *Prætorium* was immediately east of the church, and is now occupied by a fine villa with its gardens and pleasure grounds. It does not appear that this fort was ever constructed.—E.]

Realme for the biging of ane fort upon Inche-Keith,¹ for resisting of our auld inimies of Ingland, hes thocht expedient, devysit, and ordanit, that the hail burrowis on the sydis of Forth, and great townes and throuch fares that lyis within twa myles to the coist of the samyn; that is to say, Sanct Androis, Carrail,² Pearth,³ Weymes, Anstruther, Kingis-Barns,⁴ Sanct Monanys, Kilnowquhar,⁵ Largo,⁶ Erles-ferrie, Levyng-mouth,⁷ Wemys Estir and Westir,⁸

¹ [The Island of Inchkeith, conspicuous in the Frith of Forth between the Lothian and Fife shores, was fortified by the English in the reign of Edward VI., and was captured by the French auxiliaries in the service of Mary of Guise, Queen Dowager of James V. and Regent, in 1549. When that distinguished Princess visited the Island attended by Monluc, Bishop of Valence, often mentioned by our Historian, its castle or fortalice occupied a strong frontier on the summit of the rock, where the Light-house is now erected. Every vestige of this fortalice has disappeared. On a part of the edifice, which remained till the middle of the eighteenth century, the initials M. R. and the date 1556, were preserved. On the 20th of December 1567 the Scottish Parliament passed an Act, referring to the "divers, large, and sumptuous expenses," incurred by keeping the Castle of Dunbar and the Fort of Inchkeith in repair. Both were declared "unprofitabill to the realme, and not able to defend the enemeis thair of, in cais the samen wer assaultit;" and as they had even then become "sa ruinous, that the samen sall alluterlie decay, except thair be sic expensis maid thairupon as is unabill to be performit without greit inconveniences," it was enacted that the Castle of Dunbar and the Fort of Inchkeith "be demolishit, and cassin downe utterlie to the ground and destroyit in sic wyse, that na foundment thair of be occasioun to big thairupon in tyme coming." Acta Parl. Scot. folio, vol. iii. p. 33.—E.]

² [The ancient decayed royal burgh and little sea-port of Crail at the "East Neuk" of Fife.—E.]

³ [This must be a misprint for Pittenweem, a small sea-port and royal burgh, four miles west of Crail;—for the city of Perth, on the Tay, is at least twenty-five miles from the Frith of Forth. That Pittenweem is meant may also be inferred from *Wemyss* immediately following, a different place from "Wemys Estir and Wester" which are enumerated.—E.]

⁴ [Kingsbarns is a small inland village in the parish of its name extending to the east shore of Fife.—E.]

⁵ [Kilconquhar, an inland village in the parish of its name in Fife, a short distance north of the little harbour and village of Elie.—E.]

⁶ [Largo, a parish, with its villages of the Kirktown or Upper Largo, and Lower Largo, at the latter of which is a small pier, forms part of the coast of Largo Bay in Fife, above which rises the conical hill called Largo Law.—E.]

⁷ [The now thriving village and little seaport of Leven, at the mouth of the river Leven, in the parish of Scoonie, Fifeshire, is the place mentioned.—E.]

⁸ [East and West Wemyss, both west of Leven, and upwards of a mile distant from each other, in the parish of Wemyss, Fifeshire.—E.]

Dysert,¹ Kircaldie,² Kinghorne Eistir and Westir, Brunteland, Abirdour, Innerkeithing, North-Ferrie, Dunfermeling, Culros, Clackmannane, Alloway,³ Cambuskennoch,⁴ Stirvling, Falkirk,⁵ Kinneill,⁶ Lynlythgow,⁷ Quenisferrie, Cramond,⁸ Leith, Edinburgh, Mussilburgh, Prestoun,⁹ the Panes,¹⁰ Dalkeith,¹¹ Dudingston,¹² Seytoun,¹³ Tranent,¹⁴ Langnidrie,¹⁵

¹ [If we are to credit the local traditions, Dysart was then a very flourishing and important sea-port of Fifeshire.—E.]

² [Kirkcaldy, now an important and populous royal burgh, is the sea-port little more than a mile west of Dysart.—E.]

³ [Alloa in Clackmannanshire, a flourishing town and sea-port seven miles from Stirling by land, and twenty-one miles by water, on the north side of the Forth.—E.]

⁴ [Now a small village near the ruins of Cambuskenneth Abbey, separated from the "Shore" of Stirling by the Forth.—E.]

⁵ [The now populous Parliamentary Burgh of Falkirk in Stirlingshire, is a few miles inland on the south side of the Frith of Forth.—E.]

⁶ [Probably Borrowstouness is indicated, a sea-port on the south side of the Frith of Forth, opposite Culross, near which is Kinneill House, a seat of the Dukes of Hamilton.—E.]

⁷ [The ancient royal burgh of Linlithgow is four miles from Borrowstouness.—E.]

⁸ [Cramond is now a village in the parish of its name, on the south shore of the Frith of Forth, nearly six miles from Edinburgh.—E.]

⁹ [Now a hamlet in the parish of Prestonpans, Haddingtonshire.—E.]

¹⁰ [Prestonpans, so called from its Salt Pans, on the shore of the Frith of Forth, three miles east of Musselburgh.—E.]

¹¹ [Dalkeith is four miles inland from Musselburgh, in the county of Edinburgh.—E.]

¹² [In the parish of Duddingstone, which extends east from the royal parks of Holyrood-house and Arthur's Seat to the shore of the Frith of Forth, are two villages designated Wester and Easter Duddingstone. The former, in which is the parish church, is small, rural, and retired, lying immediately behind Arthur Seat, overlooking the lake of its name, and close to the mansion and pleasure grounds of Duddingstone House, a seat of the Marquis of Abercorn. Though it has now few inhabitants, it was formerly a populous place; even previous to 1760 it contained thirty weavers' looms, and furnished thirty-six horses for the carriage of coals in sacks or creels to Edinburgh. Easter Duddingstone is a mere decayed hamlet, consisting of a few cot-houses inhabited by labourers, about two and a half miles from Wester Duddingstone, on rising ground about half a mile from the Frith of Forth.—E.]

¹³ [Port-Seton is now a small harbour and fishing village in the parish of Tranent, Haddingtonshire, about a mile east of Prestonpans. Its fine old collegiate church, which was considerably injured by the Earl of Hertford in 1544, is carefully preserved, but the magnificent Palace of Seton House, the seat of the former Earls of Winton, with its fine gardens and terrace walks, is removed.—E.]

¹⁴ [The village of Tranent, two miles inland from Prestonpans.—E.]

¹⁵ [Now a small hamlet in the parish of Gladsmuir, a short distance

Abirlady,¹ North Berwick,² Dirleton,³ Gosfurd, Gullan, Ballincrief,⁴ sall furnisch four hundreth pioneris, ilk man twa sh. in the day,⁵ for the space of xvi dayis, to work at the said fort in the said Inche; and ordanis the towne of Edinburgh to divyde and taxt thir four hundreth men amangis the saidis townes, and letteris be direct to officiaris of the Quenes, to pass, command, and charge the saidis townes to mak payment of the sowmes of money that thai sall be taxt to, ilk ane of thame for thair awin partis, within xxiv houris eftir the said charge, under the pane of rebellion and putting of thame to the horne; and ordanis commissioun to be direct heirto incontinent, and to put men to the said work, upoun the expensis of the saidis townes; and ordanis the saidis townes to send all able men to work furth of thair boundis to the said Inche, to ressave dailie waiges, quhair the saidis Commissionaris sall mak thankfull payment to thame, ilk ane of thame for thair awn partis as effeiris. And ordanis the towne of Edinburgh to deput the saidis Commissionaris to mak payment of thair workmen's waiges to them; and siklik, to mak and deput maisters of work to sie the workmen do

from the shore of the Frith, three miles east of Port-Seton, and four miles from Tranent. Near it is the ruinous chapel known as *John Knox's Kirk*, in which Knox "expounded," while he was preceptor to the sons of Douglas of Longniddry.—E.]

¹ [Aberlady is now a small village in the parish of its name, six miles from Haddington, on the shore of Aberlady Bay, without trade or manufactures of any kind; but in 1549 it must have been a place of some note when it was ranked with Musselburgh, Dalkeith, and other towns.—E.]

² [North-Berwick is an ancient royal burgh ten miles from Haddington, in the parish of its name, at the mouth of the Frith of Forth, opposite the Bass Rock. It is now a quiet, retired, rural town, having a small harbour and some coasting trade.—E.]

³ [The beautiful and delightful village of Dirleton, one of the most pleasant in Scotland, is in the parish of its name, which extends west from that of North-Berwick.—E.]

⁴ [Of the above three villages, two have almost disappeared; Gulane is now a neatly built hamlet near Gulane Point in Dirleton parish, adjacent to the extensive rabbit common of Gulane Links. The names of Gosford and Ballincrieff are preserved. Gosford and Ballincrieff, in Aberlady parish, have nearly disappeared; but their names are preserved in the stately mansion of Gosford-House, a seat of the Earls of Wemyss, and of Ballincrieff, a seat of the Lords Elibank.—E.]

⁵ [Two shillings a-day, Scots money, are meant, and as £1 Scots was only 1s. 8d. sterling, the remuneration which the "four-hundreth pioneris" were to receive for their labour on Inchkeith may be easily appreciated.—E.]

thair labouris justlie and trewlie, and omit no tyme, for the causis foresaidis.

3d Julij 1549.

THE quhilk day, the Lord Governour and Lordis of secret Counsall, and the maist pairt of the haill Nobellis of this Realme, being convenit and assemblit togidder, havand respect to the greit and mony incursiounis daylie and continualie maid upoun this realme be our auld inimeis of England, and surelie informit of the greit preparatiounis devysit and ordanit be our saidis auld inimeis for the destruction of this realme this nixt harvest approchand, hes for substantious resistance thairof, willinglie of thair awin cowrage, offerit thameselfis reddie to defend thair awin auld liberties with thair bodies and substance, and to win the haill Nobilitie thairupoun. Thairfore ordanis letteris to be direct to all officiaris, stewartrie bailleis, alsweill regalitie as royaltie, and thair deputtis; provestis, aldermen, and bailleis of borrowis, and to thair officiaris, of the Quenis sheriffis in that pairt, chargeing thame to the mercat-croces of all borrowis and townis of this realme, and uthir places neidfull, and thair be opin proclamatioun command and charge all and sindrie our Soverane Ladyis leigis be opin proclamatioun, betwix sixtie and sixteine zeiris, and utheris fensabill men, baith to burt and land, alsweill regalitie as royaltie, dwelland upon spirituall menis landis or temporall menis landis, that thai and every ane of thame be in reddiness, weill boddin in feir of weir, in thair maist substantious manner with armis and wapounis, eftir the forme of the Actis of Parliament, to cum, send, wait, at the first day of August nixtocum, as thai sall be chargit and advertisit, upon aucht dayis warneing, with forty dayis victuall, eftir thair cumming to the place thair salbe assignit and appointit in the letteris of warneing, for resisting of the saidis auld inimeis, defense of this realme, and libertie thairof, under the pane of tinsell of thair lyfis, landis, and gudis; notwithstanding the actis and ordinances maid of before for raising and listing of ane furnischt man of everie seven-mark land of auld extent, furnischt for the expensis thairof for the space of twa monethis, likas the said Act at mair lenth proportis. Quhilk Act and ordinance my Lord Gover-

nour and Lordis foresaidis hes dischargit, and be the tenour heirof dischargis the same, becaus thair is no Prelattis, Sheriffis, Erlis, Lordis, Baronis, and uther friehalderis, that hes takin up the taxt aforesaid fra the tenentis within thair boundis and landis, and jurisdiction. Thairfore my Lord Governour, and Lordis foresaidis, willis and ordanis thame, and everie ane of thame for thair awin pairtis, to deliver, content, and pay agane the said taxt, takin up as said is, to the saidis tenentis, ilk man his awin pairt, within ten dayis nixt efter the charge; with certification to ilk spiritual man that failzies heirintill, that he sall be callit and accusit as ane contemnar and brekar of this present Act, to ane particular dyet, and sall be punischit thairfoir in his landis and gudis, with all rigour for his contemption. And for performing of the premissis, ordanis the Justice-Clerk and Thesaurer-Clerk to tak diligent inquisition of the personis, baith spirituall and temporall, that randeris nocht agane the said taxt to the saidis tenentis respective, and roll thair names, swa that my Lord Sanct Androis on the ane pairt may direct letteris of cursing upoun the Prelattis and Kirkmen for not payment of thair pairtis of the haille taxt in maner foresaid; and the said Justice-Clerk and Thesaurer-Clerk on the uthir pairt may direct letteris upoun the temporall men in manner above writtin, for their contemption. And ordanis the Clerkis to content, pay, and deliver the sowme of 15,000 lib. of the haille taxt of 35,000 lib. grantit of befoir to be equallie distribute and payit amongis thame, ilk man for his awin pairt, effeirand to the rait and quantitie of thair benefices, conforme to the taxation maid amongis thame thairupoun. Providing alwayis, that the sowmes of money ellis payit be the clergie of the said taxt to the collectoris thairof, be allowit in pairt of payment of the said sowme of 15,000 lib.¹

Apud Edinburgh, 13th Julij 1549.

THE samyn day, the Quenis Grace, my Lord Governour, and Lordis of Secret Counsall, understanding that thair is diverse our Soverane Ladyis lieges that sittis under assurance with our auld inimes of Inghland, quhairthrow the countrie is

¹ [The above three sums are Scots money.—E.]

become herriet and destroyit ; and for remedie heirof it is advysit and ordanit that letteris be direct to officiaris of the Quenis sheriffis in that pairt, charging thame to pass to the mercat-croces of Edinburgh, and uthir places neidfull, and thair be opin proclamatioun command and charge all and sundrie assurit personis with Ingland, that thai and everie ane of thame betwix this and the —— day of Julij instant, give up thair assurance to our saidis auld inimeis of Ingland, and declair to thame that thai are ar and will be trew subjectis to our Soverane Lady and hir realme, and will defend the saymn and libertie thairof ; and that thai come to the Quenis Grace, my Lord Governour, and Counsall, and declair the maner of the upgiving of the said assurance to our saidis inimies betwix and the said day ; with certification to thame, an they failzie, the said day being bypast, that thai, and ilk ane of thame, sall be persewit, as inimeis baith by fyre and sword, and put to uttir ruine with all rigour. And the said day being bypast, and the saidis assurit persones failland in the premissis, ordanis the Lovetennent and garisones to pass and persew the saidis assurit persones, as thai salbe direct by my Lord Governour and Counsall, baith be fyre and sword, and punisch thame in maner above writtin.

*Edinburgh, 25th Marcij 1550. Præsentibus Regina et Gubernatore.*¹

SEDERUNT *Archiepiscopus Sancti Andr. ; Comes de Huntlie, Cancellarius ; Episcopi Moravien. Candidæ Casæ, Dunblanen. Orchaden. Comites Argile, Merschell, Cassillis, Errole ; Domini Ruthven, Drummond, Dominus Georgius Douglas, M. Semple ; Clericus Registri, Clericus Justiciaræ, Advocatus, Robertus Carnegy.*

THE quhilk day it is devisit, statut, and ordanit, that for resisting of our auld ynemyis of Ingland, and defense of the West Bordoris, and for reparing of ane fort and strenth in the towne of Annand,² for defense of the cuntre, and diverse

¹ Register of Privy Council.

² [The royal burgh of Annan, on the east side of the river Annan, sixteen miles from Dumfries, and nine miles from Gretna Green, on the Solway Frith. Its castle, the site of which now forms the old church-yard,

utheris respectis and considerationis moving thame : That the sowme of 4000 lib. be rasisit and upliftit of the Prelatis and clergie of this Realme, to be rasisit and inbrocht to the collectouris to be deput thairto, to the effect above writtin ; and in cais the said 4000 lib. be thankfullie payit and debursit be the Prelatis and clergie, then and in that cais my Lord Governour and Lordis of Secret Counsale promittis that thair sall na taxatioun be rasisit againe upoun thame for the space of ane zeir nixtocum.

THE samyn day it is devisit, statut, and ordanit, That the shereffis of Edinburgh principall, Edinburgh, within the constabulary of Haddington, Selkirk, and Lawderdaill, and thair deputis, sall assist and concure with the Lardis of Lethingtoun, Quhittinghame, Elphinstoun, Trabroun, and Wauchtoun, in the avising of the furnesching of the oxin and pyoneris devisit for the furt bringing of our Soverane Ladyis munitioun and artailzery to the oist and army devisit to assemble and convene in Edinburgh the xvi day of Aprile nixtocum, conforme to the Actis maid thairupoun.

Apud Edinburgh, 3d Aprilis 1550, Præsente Regina.

SEDERUNT *Archiepiscopus Sancti Andreae; Comites Merschell, Cassilis; Abbates Dunfermelyne, — Clericus Registri, Robertus Carnegy.*

THE quhilk day, forsamekill as thair is divers assurit personis, be our auld ynemyis of Inghland, and sittis undir assurance, dwelland within the boundis of the Mers, and uthir partis adjacent to the samyn, quhilk upoun this last Monanday at evin, the last day of Merche last bypast, that hes furnist carriage and carriage horss to our saidis auld inemyis for the furnissing of the fort of Lauder,¹ and

in the vicinity of an artificial mount of earth known as the *Mound*, was built by King Robert Bruce, who was the superior of the town, as his own property. In 1547 the town was plundered and burnt by the English, at which period the castle was in ruins. During the Regency of the Queen Dowager of James V., a strong force of French troops occupied Annan for the defence of the district.—E.]

¹ [The fort of Lauder, a royal burgh twenty-five miles from Edinburgh and seventeen miles from Kelso, was built by Edward I. as a church to

our saidis auld ynemyis being in the samyn, takand art and part with thame, assistand and favourand thame in the destruction of the cuntre. Thairfor it is devisit and ordanit that Alexander Lord Hume pass furt and seik the saidis personis furnissaris of the saidis carriage and carriage-horss to our saidis auld ynemeis and fort forsaid, and tak and apprehend sex of the principallis of thame, and punis thame to the deid for thair attemptattis, with power to the said Lord to justify the saidis personis, Court and Courtis of Justiciarie to hald to that effect. And will and grantis that this present Act and Ordinance be of als greit strenth, faith, force, and effect, as and the samyn had bene gevin in forme of commissioun under the quhit walx, to the effect above-writtin, for the causis forsaidis.

Proclamatio pacis.—Apud Edinburgh, 20th Aprilis 1550.

WE do zou to wit : Forsamekil as in the moist honorable and perpetuale Pece takin betwix the maist Cristine King of France on that ane pairt, and the King of Ingland on that uthir pairt, for thame, thair aris and successoris for evir, oure Soverane Lady hir realme, dominionis, rewmes and possessiounis baith be sey and land, liegis and subjectis of the samyn, ar comprehendit, for hir, hir Hienes airis and successoris perpetuallie, lik as in the contractis and tretyis of Peax past thairupoun, and Comprehensioun forsaid, is at mair lenth contenit. Quharefor we command and charge, in our Soverane Ladyis name and my Lord Governoris, all and sundrie our Soverane Ladyis liegis, of quhatsumevir estait, dignitie, ordour, preeminence, or conditioun that evir thai be off, that nane of thame tak upoun hand to violett or brek the said Pece in ony sort, or to do ony hurt, harme, molestatioun, inquietatioun, or perturbatioun to ony of the liegis of the Realme of Ingland owther be sey or land, nycht or day, bot to observe and kepe the said Peax and Comprehensioun foresaid clerelie and enterelie in all punctis ; or to pretend to mak ony offence to ony Inglishman quhilk may tynde¹ to the violatioun of the said Peax. And siklik, we command and charge all and sundrie Bordoraris,

the Scots, and was the origin of Thirlstane Castle, near the town, the splendid seat of the Earls of Lauderdale.—E.]

¹ Ita MS. f. *tynde* or *tend*.

and all utheris our Soverane Ladyis liegis, that nane of thame tak upoun hand to ryde into Ingland, or to mak ony perturbatioun thairintill nycht or day frathynefurth, under the pane of treson.

Apud Edinburgh, 22d Aprilis 1550. Præsentibus Regina et Gubernatore.

SEDERUNT Comes de Huntlie Cancellarius ; Johannes Archiepiscopus Sancti Andreæ ; Comites Ergile, Merschell, Glencarn, Cassillis ; Abbates Dunfermling, Cowper ; Domini Ruthven ; — Magistri Erskin, Semple ; Dominus Georgius Douglas.

Answeris to the Maist Cristine King of Francis Memoriale, ressavit fra Mons. de Finnell, gevin to Thomas Maister of Erskin, Ambassador for the Quenis Grace of Scotland and my Lord Governour thairof, to be schawin to his Hienes upon thair behalf.

IN the first : The Quenis Grace, my Lord Governour and Counsale, understandand the report of the said Monsieur de Fennell and Memoriale foresaid, how that the said maist Cristine King, efter that his Hienes had maid sik invasioun upoun our auld inimeis of Ingland within the cuntre of Boulleinois, and thairthrow constrenit thame to retere the maist part of thair army, quhilkis thaī had lyand upoun this realme, furth of the samyn, and transport thame towart the said cuntre of Boulleinois ; and his Hienes perseverand in sik sharp persute of the saidis Inglishmen, mare in respect of this Realme of Scotland, nor of ony uthir consideratioun, brocht to sik necessite, that it behufit thame to seke peax of his Hienes divers tymes, and be sindry personis ; and that his Hienes havand consideratioun of the grete scathis, oppressiounis, and dampnagis, quhilkis this realme hes sufferit be so lang weris, and beand desyrous to putt the samyn at rest and quietnes, accordit to trete with the said Inglishmen apone ane Peax : To the quhilk, efter lang resonyng, wes condescendit be his Hienes Commissionaris, comprehendand our Soverane Lady and this hir realme in the samyn ; the quhilk the Quenis Grace, my Lord Governour and Counsale of this realme, acceptis maist thankfully, as ane thing done be his Majestie for the wele and releiff of this realme, and

tranquillite to the subjectis thairof, and haldis thame thairthrow addettit to his Hienes mair than thai ar hable presentlie to acquite. And namelie, insafer as it hes not onlie plesit his Hienes to have refusit the grete offeris of Ingland maid to him, anent the quyting of thare pension, randerung of Boulongne¹ of all that thai withheld bezond the sey, for the geving of our Soverane to thame; but alsua by all the infinite cost maid be his Hienes for the defens of the liberte of this realme of before, now to deburs swa large sowms for peax and rest to us as to his awin. And thairfore, that the said Maister of Erskin upoun thair behalf giff maist humyl thankis thairof to his Majestie, quhilk hes preferrit the rest and eis of this realme to his awn particular profitt, as he that is the sure and only defender and releyfe under God of all this realme, and hes deliverit the samyn furt of the thraldome in the quhilk it was for the time; and safit it fra the appearand perpetuale subjection it wes hable to have fallin in, giff his Hienes had not tane the hale byrding of the defens thairof upoun him, and finalie not broucht the samyn to the auld libertie and fredome, unto his Hienes infynite honour, and our inestimable wele.

And according to the desyre of the said Memoriale, the Quenis Grace and my Lord Governour sendis thair welebelufit Thomas, Maister of Erskin, berar of thir presentis, thair Ambassador to the King of Ingland, with commissioun undir our Soverane Ladyis Grete Sele, for to ratifie, affirme, and appreve, in our Soverane Ladyis names, the Comprehension of hir Grace and hir Realme of Scotland, maid in the said Trettie, and all the punctis and articlis contenit thairintill, insafer as it concernis or may concerne hir Grace, or hir realme foresaid.

Item, Conforme to the Kingis Article, my Lord Governour, with avise of the Counsale, hes instantly dischargit all weir-schippis to depart or pas furth of the Realme of Scotland in ony maner of weirfare; and siklik, hes send and gevin speciale charge to the Maister of Erskin, that in cais he fyndis ony weir-schippis of Scotland in France, to putt inhibitioun to the captaines, maisteris, and awnaris of the samyn, that nane of thame tak upoun hand to mak wear upoun

¹ [Boulogne had been taken by the English in 1554.—E.]

the Emperoris subjectis, unto the tyme the King be advertist; and that he send his mynd unto us thairupon, and the samyn charge to be usit at the Kingis plesour.

Item, As to the answer towart the Cardinale of Carpy, the Quenis Grace and my Lord Governour hes ellis written thairupoun to the King, quharewith thai think his Majestie salbe satisfyit, likeas the Maister of Erskin will declare.

Item, Tharefter the said Maister of Erskin sall report to the King how rejosit the Quenis Grace and my Lord Governour war of the novellis of our Soverane Ladyis welefare, and to heir that the Kingis Hienes was swa wele contentit with hir, and that sche was swa hable to ences in vertew, and that the Kingis Majestie takis sik consolatioun, seying the begynnyng of hir upbringing to have bene swa gude, that he hopis sum day to see his sone the husband of ane of the maist vertuous Princes that men can desyre; besikand God of his infinite gudnes that his Hienes may see nocht allenerlie that thing that his noble hart desyris, but alswa that our Soverane Lady be efter this swa endewit with the graces of God, that sche may be hir birth mak his Hienes to be callit the gudser of ane of the maist victorious Princes in the warld, and King to ryng lang prosperously abufe baith the Realmes.

Item, The occasioun of the sending of the hereld to the King, quha wes directit to the Emperor, wes be this motive: Mons. d'Osell, the Kingis ambassador here, schew the Quenis Grace, my Lord Governour, and the Counsale, that the King mervellit that we continuit the waris with the Emperor, havand actually weir with Ingland, and nicht have had peax of him, desyrand us to sek ane honourable peax of the Emperor be the Kingis avise and myance, rather than to procure furthir weir be ony our occasioun: Upoun the quhilk we directit the said hereld to the King with speciall writtingis to our ambassador, giff he had bene present, desyrand his Majestie to send to the Emperor for ane conduct to certane ambassadors of Scotland, to cum and trete upoun peax with the Emperor; quhilk ambassadors first suld have cumin to the King for his aviss and informatioun, and tharefter to have departit to the Emperor for the said peax, and the Kingis ambassadors with thame to that effect. The absence of our ambassador wes the caus that the King wes not so

amplie informit of oure desyris, as oure directionis wes unto his Majestie.

Item, It is desyrit of the King that he will send his ambassadors towart the Emperor, to procure ane peax to the Quenis Grace our Soverane Lady, hir realme and subjectis, in semblable maner as hes bene accustumate of before, always referring the tyme to his Majestie's discretioun, with abolition of all thingis past, becaus an honourable peax wes takyn be the King, quham God assolze, and the Emperor, for ane hundreth zeiris: Quhilk peax, without occasioun maid be us, wes violet and brokyn be the Emperor and his subjectis, in takyn and withhaldyn of ane grete nowmer of the schippis of Scotland, at the desyre of Ingland, to the grete hurt and dampnagis of the liegis of this Realme, lykas our ambassadors the Bischop of Ross and the Maister of Erskin,¹ or athir of them can declare at lenth; togidder with the maner of the trettie last takyn, quhilk hes bene alswa to the grete hurt and dampnage of baith the Emperors subjectis and ours.

Item, Becaus that the Kingis Majestie hes ellis writtin to my Lord Cardinale of Guise, lyand presently in the Court of Rome, to mak instance to the Papis Halynes for the Legacie of Scotland to be grantit to my Lord the Archbischope of Sanct Androis, brother to my Lord Governour, and to do his utir possibilitie for obteyning of the samyn: Tharefor to thank his Hienes, and besek him to continew in the samyn, unto the tyme it be brocht to sik ane perfectioun as that the said Legacie be grantit in maist ample and large maner, swa that all benefices within the Realme of Scotland, exceptand Bischopricks allendarlie, be providit within the Realme: Quhilk thing being done be the Kingis Majestie, sall purches be his Hienes ane grete wele, profitt, and eis, in respect of the tyme and in bering of the greit chargis of the waris, and sindry uthir wayis, togidder with the favour of the subjectis, insafer as it is of sa grete advantage to the samyn, and to informe his Hienes how grete sowmes past furth, and daylie passes furth of this pure Realme to the Court of Rome, and how costlie ane thing it is to mak

¹ [David Panter, Bishop of Ross, and Thomas Erskine, second son of John fourth Lord Erskine.—E.]

fynance evin through all partis quhill that cum to Rome, be resoun of the distance of the places and perellous passages baith by sey and land, through sindry Princis jurisdictioun, and how that this Realme is swa hereit with lang weris, that it will not be hable to recover the scaith it hes sufferit in meny zeiris, in cais that the substance thairof be transportit be the occasioun foresaid to the Court of Rome, in sik abundance as it hes bene thir zeris bipast; and that the Kingis Hienes be informit that this Legacie be nocht aluterlie desyrit for the private wele of ony ane persone, but for the common wele of the hale inhabitantis of this Realme.

Item, Becaus the Kingis Majestie hes desyrit to knaw of the Quenis Grace, my Lord Governour and Counsale here, quhat charge is necessar to him to hald in this Realme, and as little as is nedfull: It is thocht expedient be thame, for sparing of the Kingis expenses in tyme of pece, giff it ples and sal be thocht expedient to his Hienes, that the fort of Luffnois¹ be kepit be the Lard of Wauchton in tyme of pece upoun caution; and the fort of Inveresk be kepit be the Abbot of Dunfermeling upoun siclik caution; and the forts of Sanct Colmys Inche, IncheGARVIE,² the forts of Bruchty and Montrois³ be cassin down, becaus thai serve of nathing in tyme of pece, and the last four forts ar not necessar in tyme of weir.

Item. That the King putt sik garisones in Dunbar,⁴ Blaknes,⁵ Castell of Bruchty, and IncheKETH, as his Majestie or his

¹ [This must have been a very small fortification at Luffness Point, near the village of Aberlady. It is subsequently designated the "fort of Aberlady," in the Act of the Privy Council, dated Edinburgh, 27th January 1551.—E.]

² [A rocky islet in the Frith of Forth, between South and North Queensferry. In the reign of James IV. Dundas of Dundas obtained permission to erect a fort on it, some vestiges of which still remain on the west side of the islet, and it was repaired by James IV. before the battle of Flodden.—E.]

³ [Every vestige of the castle of the royal burgh and seaport of Montrose has long disappeared.—E.]

⁴ [See the note on Inchkeith, p. 431. The venerable and massive ruins of the Castle of Dunbar still remain, occupying a cluster of high rocks, and impress the spectator who surveys these memorials of the olden time. This fortress, connected with which are numerous historical associations, was dilapidated by the Regent Moray, who sent its guns to Edinburgh Castle.—E.]

⁵ [Blackness Castle on the Forth, is well known in Scottish history.—E.]

lieutennent thinkis neidfull for preservatioun of the samyn in tyme of pece, and that thai be fortifyit, and specialie the forts of Inchkethe and Castell of Bruchty, becaus thai, at the entres of twa of our Soueranes maist speciale rivers; and that the Lord Hume kepe the Castell of Hume, and the King to support him as he pleses, becaus it is our charge, and to the said Lord to kepe the samyn as an hous of were, so nere the Bordoris.

Item, It is thocht expedient be the Quenis Grace, my Lord Governour and Counsale, that the fortis of Lauder, Dunglas,¹ Roxbure, and Aymouth, be all cassin down, for sik motivis as the said Maister of Erskin can schaw.

Item, Giff it be the Kingis plesour to tak away his army heir, it wer neidfull that thair wer ane thousand futemen left in this Realme by thame that kepis the castellis and fortis, quhill the finall end and perfectioun of the peax, and down-casting of the fortis, and that sure knawledge may be had of the pece betwix us and the Emperour: And the peax, with the effects thair of, beand finalie performit, sik ordour sal be takin for execution of justice, and ordouring of the cuntre be the avise of the Quenis Grace, as the lieutennent and ambassador sall knaw, quharewith the King sall have caus to be contentit, and sal be advertist thair of in dew tyme.

Item. Anent the presoneris, the Quenis Grace, my Lord Governour and Counsale hes sene the answer cum fra the Counsale of Ingland, and Articlis subscrivit be the Commissionaris tretars of the pece betwix France and Ingland, to Mons. de Finnell, with the quhilkis thai ar contentit for the pairt of Scotland; and to deliver all the presoneris of Ingland now being in Scotland frelie, als wele thame that hes aggreit upoun thair ransom, and gevin bandis or plegis thairfor as utheris, and to ressave all presoneris and plegis being in Ingland semblablie, and to desyre day and place to be appunctit thairto.

Finalie, To informe the Kingis Majestie, that the Bischoprick of Dunkeld is now vacand be the promotioun and translatioun of my Lord Archbishop of Sanct Androis fra

¹ [The Castle of Dunglass, in the parish of Oldhamstocks, seven miles beyond Dunbar. It was not, however, demolished on this occasion.—E.]

the said sete of Dunkeld, quha broukit the saymn peceable but ony interruptioun the space of thre zeris and mare. And now my Lord Governour hes writtin diverse tymes to the Papis Halynes quhilk last decessit for the promotion of Donald Abbot of Cowper, uncle to the Erle of Ergile, to the said Bischoprick ; nochtheless the said Papis Halynes as zit postponis the said promotioun, be the inoportune solisitatioun and wrang informatioun of ane Maister Robert Creichtoun, quha on his maner intendis to purchess the samyn, but ony supplicatioun or licence of my Lord Governour, or ony havand autorite for the tyme, to the grete hurt of the Quenis Grace privilege, and swa wer, quhilk is, and ay hes bene in uss, that na promotioun of Prelacy pas in Rome but the Princis supplicatioun thairfor ; desiring his Grace to write rycht effectuouslie to the Papis Halynes, College of Cardinallis, and his Grace's ambassador, standing in Rome, for preservation of the Quenis Grace privilege and promotioun of the saidis Abbot, conforme to the Quenis Grace supplicatiounis and writtingis send be my Lord Governour in hir Grace's name.

And ferther, becaus we desyr presentlie the maist Cristine King to trete ane peax betwix the Emperor and us, be his Ambassador presentlie being with the Emperor, ye sall schaw the King thir instructionis and articlis following to be send to his Hienes Ambassador with the Emperor, quhareby his Ambassador forsaid may understand and knaw perfitelie the maner of the pece contractit of auld betwix the Emperor and our Soverane, quham God assolze, and the occasioun of the brek thareof ; and tharethrow to be the mare resolute to anser to sik questionis as may be demandit of him be the Emperor and his Counsale.

In the first, To informe the said maist Cristine King how it is understandin to the Quenis Grace, my Lord Governour and Counsale of Scotland, be diverse informationis and writtingis send fra sindrie gret men subjectis to the Emperor in Flanders, that honorabill peax may easilie be tretit betwix the Emperor his subjectis and us ; thairfor to desyr the said maist Cristine King to send his Ambassador with zou to the Emperor to procure the samyn, conforme to the contract of peax last maid betwix his Majestie and our Soverane the Kingis Grace that last deceissit.

And giff the said maist Christine King thinkis this gud to be done, ze sall with his avise pass to the Emperor's Majestie, and use thir instructionis following:—

In the first, To reduce to his remembrance the contract of peax betwix his Majestie, for himself, his realme, dominionis, and subjectis, and the Kingis Grace our Soverane that last deceissit, his realme and subjectis, for the space of ane hundreth and ane zeris.

Item, To declair to his Majestie how the samyn peax wes brokin upoun us be his subjectis of Flanderis, but ony occasion maid be us, and without denunciatioun of weir, quhen our schippis come in Flanderis as to our freyndis for traf- fyque of merchandice, efter that thai had bene weill ressavit, freyndlie treatit, interchangit thair merchandice, and reddy to depart, the haill floit of xiv riche schipais laydyn with Flanderis wair wer takin, haldin and disponit, and the merchandis thareof persewit as inimeys, be the Emperor's subjectis, in the portis, havynis, and townis of the Udir Myd- dilburt, and utheris of the laich partis of Flanderis.

Item, To schaw his Majestie how we, incontinent efter the taking of the said schippis, send heraldis with letters supplicatouris to him, and to the Queen of Ungary,¹ Regent of Flanderis, for redress thareof, and could get nane; bot than ane weir oppynlie proclamit and denunciit in Flanders in the Emperor's name, upoun the subjectis of this Realme.

Item, To declair how efter the last peax contractit betwix his Majestie and the maist Cristine King of France, we send ane ambassador to his Majestie and his derrest syster the Regent of Flanderis, desyrand as confiderattis with the said maist Cristin King to have been comprehendit in the said peax, and to have acceptit the samyn, quhilk wes inlykwys refusit for sik motivis as than movit his Majestie: Nochtthe- less, for the quiet of bayth the Realmes, it wes convenit that certane conductis suld be grantit of equale nowmer be his Majestie to the subjectis of this realme, and our Soverane Lady to his.

Item, To declair, that albeit thir conductis wes than thocht equivilent to ane peax, zit the witkittnes and perversit myndis of pyrattis on aither syd had thairthrow takin occa-

¹ [Hungary.—E.]

sioun to harme baith the cuntreis and subjectis thair of, swa that the samyn wes rather caus and occasioun of haitrent and trubill nor ony quiett to the cuntreis, and diverse inconvenientis followit thairupoun, quhairof the verite may not be tryit, nor redres maid, becaus that pyrattis on ather syd apprehendand schippis with conductis, as is suspectit, distroyis and puttis away the samyn, howbeit the Princis and Counsalis myndis on athir syd be weill willit thairto.

Item, To desyre thairfor his Majestie, that he will grant of new ane honorabill peax to our Soverane Lady, hir Realme, and subjectis, for sa mony zeris as sal be thocht convenient, conforme to the auld, sen the occasioun of this weir movit nocht as we understand, of na haitrent nor evill mynd that he bure towart this Realme, bot allannerlie of the occasioun and persuasioun of our auld ynemeis, &c.

Item, To declair to his Majestie the greit trubill, cruelte, and invasionis daylie maid upoun our Soverane Lady and hir liegis be the tyranny of our saidis auld ynemeis in hir Grace's minorite, and greit apperance of blud-schedding thairthrow in tyme cummyng; and thairfor desyre and require his Majestie, That he first of his gudness will endeavour himself to procure ane honorable peax of the King of Ingland to our Soverane Lady, hir Realme, and liegis, gif it may be had with the auld liberteis; or otherwayis, becaus he of his Imperiall dewite is oblist to defend pupillis, That he will grant support of men, munitioun, and sic uthir reasonabill help as he may spair.¹

Apud Edinburgh, 22d Maij 1550.

THE quhilk day, forsamekill as in the Treaty of Peax laitlie takin betwix the maist Cristin King of France on that ane part, and the King of Ingland on that uthir part, our Soverane Lady, hir Realme, and subjectis, ar comprehendit, into the quhilk Pece, it is divisit and ordanit, That the fortis of Roxbure and Aymouth salbe randerit at ane certane day appoynit thairto. Nochttheles the personis Inglismen presentlie being in the saidis fortis, daylie and continewalie makis incursionis upoun our Soverane Ladyis liegis nixt

¹ The curious readers may see a copy of this 101 years' treaty of peace between the Emperor Charles V. and our King James V., July 24th 1531, in the late large Collection of Treatises of Peace, &c.

adjacent unto thame, reifis, spulzeis, and oppressis thame, tending to do that is in thame to violate and brek the Pece, contrair the myndis of the Princis; and for to evaid sik inconvenientis as may heirefter follow thairupoun, and rest and quietnes of bayth the realmes, it is divisit, statut, and ordanit, be my Lord Governour and Counsale, that letteris be direct to command and charge all and sindry our Soverane Ladyis liegis, be oppin proclamatioun at the mercat-croces of —, and utheris places neidfull, that thai, and ilk ane of thame, gif gud attendence at all tymes quhen the forsaidis personis happynis tocum furt of the saidis fortis without licence, to the effect above writtin; and gif thai pretend to do ony hurt or harme to the cuntre, or liegis thairof, that thai, and every of thame, tak and apprehend thame as presoneris; with certificatioun to thame, that all sik personis cummand furt of the fortis forsaidis, to the intent above expremitt, salbe reput and haldyn as just and lauchfull presoneris, and that thair takaris sall nocht be callit nor accusit, nor incur ony danger or skayth thairthrow, in thair personis, landis, or gudis, but salbe reput and haldin as faythful and trew liegis to this realme in all tymes tocum.

Apud Edinburgh, 23d Maij 1550. Præsentibus Regina et Gubernatore.

SEDERUNT —

THE quhilk day, forsamekle as the Quenis Grace, my Lord Governour, and Lordis of Secreit Counsale, haifand respect to the greit and hie attemptattis committit and done be Patrik Erle Bothwile, and how he hes had him towart our Soverane Lady, my Lord Governour, and the Autorite, in sindry behalfis: Thairfore it is divisit and ordanit be the Quenis Grace, my Lord Governour, and Counsale, that summondis of tresoun be rasit upoun him the said Erle; and ordanis the Quenis advocat to libell the samyn, conforme to informatioun to be gevin to him thairupoun; and ordainis the Clerk of Cancellarie and Kepar of the Quarter-Seil to answer the samyn accordinglie, as use is.

Apud Edinburgh, 2d Augusti 1550.

THE quhilk day, forsamekle as thair is diverse Franchmen

that hes committit sindry attemptattis upoun our Soverane Ladyis liegis, quha ar to be accusit and punist for thair demeritis, and thairfore necessar it is that ane assiss be summondit thairto: Thairfore the saidis Lordis ordanis ane maisser, or uther officiar of armes, to pas and summond certane personis quhais names salbe gevin in bill, to compeir before the Jugis Commissionaris deput to sit in sik lik materis, in the lugeing of Mons. de Termes in the Abbay of Halyrudhouse, upoun Weddnisday the vi day of August instant, and thair to beir witnes in sik materis as salbe inquirit at thame; or to pass upoun an assiss, gif neid be, ilk person under the pane of 40 lib.

Apud Edinburgh, 27th Januarij 1551.

THE quhilk day, forsamekle as the Quenis Grace, my Lord Governour, and Lordis of Secreit Counsale, being remembrit of the mony and diverse gratituds done to our Soverane Lady, hir realme, and liegis thairof, for defens of the samyn, be the maist Cristin King of France, and speciallie in bigging of the fort of Abirlady at Lufnes, and strenthning thairof with men and munitioun in tyme of weir; and that the samyn is sumptuous to his Majestie, and nocht necessary to be keipit now in tyme of peax; and willing to diminische the sumptuous chargeis sustenit be his Majestie in this realme, insafer as thai may: Thairfore the Quenis Grace, my Lord Governour, and Lordis foresaidis, ordanis the said fort of Abirlady to be randerit and deliverit to Patrik Hepburn of Wauchtoun, and the samyn to be cassin down and destroyit to the erd, except the hous and mansioun thairof, swa that na fort nor strenth be thair in tymes tocum; and the said mansioun and housis to be broukit and joisit be the said Patrik as his heritage, lik as his forbears brukit the samyn of before in tymes bipast, conforme to his infestment; providing always that the said Patrik caus the munitioun and artailzery being in the said fort to be had and caryit to Dunbar upoun his expensis.

Apud Striveling, 20th Marcij 1551. Præsentibus Regina et Gubernatore.

SEDERUNT Archiepiscopus Sancti Andreæ, Episcopi Moravien. Dunblanen. Rossen. Orchaden.; Comites Huntlie,

Ergill, Merschell, Erroll, Glencarne, Cassillis, Athole, Menteth ; Abbates Dunfermelyn, Sanctæ Crucis,¹ Kilwynyn, Culross ; Domini Ruthven, Maxwell, Flemyn, Forbes, Drummond ; Dominus Georgius Douglass.

THE quhilk day, the Lordis of the greit Counsale being assemblit at Striveling upoun the Treatie past betwix France and Scotland ; and inlykwys the Treatie last past betwix our Soverane Lady and the Emperour, of the dait at—the —day of—the zeir of God ane thousand fyve hundred and fifty-ane zeiris ; and finding be the samyn that in the said Treatie with the Emperour is speciallie reservit, inclusit, and comprehendit the maist Cristine King of France, his realmes and dominionis, efter the forme of the Treaties past betwix his maist nobill forbearis and the Quenis Grace maist nobill forbearis Kingis of Scotland ; weying alswa the King of France's writting and requisitioun laitlie cum in to the thre Estaittis of this Realme, to declare thameselfis, and tak his part, according to the tenour of the auld Treatyis, and to the greit freyndschip that sen his cumming to the crowne of France he hes schawin in suppleying of this Realme, in thair greit mister, against the greit forces of Ingland, being at that tyme all redy enterit and fortifyit far within the samyn ; hes at last condiscendit and resolvit thameselfis in this maner, that thair salbe send to the King of France ane gentilman to schew for the part of this Realme unto his Majestie quhat incommodite may cum to this Realme, gif the Peax with the Emperour beis brokin, quhat harme may be done thairthrow to the said Emperour his enimie, and quhat chargeis his Majestie salbe constranit to entere into on this syd, in cais the Emperour put ony greit force to thir seyis, and thairthrow to perswaid the Kingis Majestie to be content and satisfyit thairwith, als far as he may : Bot gif alwayis his Majestie persistis and abidis at that poynt, that he will haif declaratioun of weir maid to the Emperour in naim and behalf of this Realme ; in that cais thair salbe send to the Emperour ane sufficient personaig to gif up the samyn Peax, and declare unto him that this Realme cannot

¹ [Holyrood, at Edinburgh, of which Robert Stewart, an illegitimate son of James V., who succeeded Robert Cairncross in the Bishopric of Ross, was then Abbot.—E.]

remane at freyndschip with him, he standand at enmity with the said maist Cristin King of France, maist antiant and maist speciale freynd unto the Quenis Grace our Soverane Lady, and this hir Realme.

Apud Edinburgh ultimo Novembris, 1552.

THE quhilk day it is divisit be my Lord Governour, and Lordis of Secreit Counsale, that ane certane number of fit men be resit and upliftit of this realme, to be send in France for the support of the maist Cristine King, conforme to the auld liegis, bandis, amitie, and allyansis quhilk hes stand of lang tyme betwix the Realmes of Scotland and France, renewit and confermit be every Kyng and Princes sen the tyme of Achaius, Kyng of Scotland, and Chairlis the Maine,¹ Kyng of France, and laitlie in thir dayis be our Soverane Lady and of Fransis last Kyng of France, as he hes requerit be his speciall letteris, as the samyn at mare lenth proporttis; the quhilk men of weir can nocht gudlie be reasit without the Realme be stentit: Thairfor it is thocht expedient, that of everie fourtie merk land of auld extent in this Realme, als weill of our Soverane Ladyis awin propertie as the temporall and spirituall mennis landis, togidder with all wairdlandis, terce and conjunct fie-landis, and landis in non-entres, thair be ane ebill, sufficient fitman, well furnischit, cled in new hois, and ane new dowblett of canwess at the lest, with jack of plett, steilbonet, splent slewis of mailzie, or plait, with ane speir of six elne lang,² or thairby, be reasit to pass with thair generall, corrowner, and capitanes to that effect, to the said pairtis of France: Thairfore ordanis letteris to be direct to every sherif and bailzie within this realme, and thair deputtis, alswele generall as reall, alswele of spirituall mennis landis as temporall mennis landis, charging thame that thai conveyne the friehalderis of everie schyir and bailzarie foresaid, in the heid brut of the schyir, with all dilligence possible, and at the farrest betwix this and the

¹ [The Emperor Charlemagne. This is an allusion to the alleged league between the said King Achaius and that French monarch, which proves that it was devoutly believed in the sixteenth century.—E.]

² [This part of the Act of the Privy Council contains a curious description of the equipment and dress of a Scottish foot-soldier in the sixteenth century.—E.]

xx day of December nixtocum, considdering it stands upoun the hie plesour to the said maist Cristine King, and honor of this Realme; and thair retour all the saidis landis within thair schyris and boundis of thair offices, alswele our Sovereane Ladyis landis.

Item, It is divisit and ordanit, that thair be reasit of the haill burrowis of this Realme ane ansaingzie¹ of fitmen extending to thre hundrethe men; and in swa far as is possible, that all the thre hundrethe men be hagbutteris furnischit with powder, flask, morsinghornis, and all uthir geir belonging thairto. And ordanis the Provost of Edinburc² to tax the remanent of the haill burrowis as use is, provyding alwayis that it sall nocht be an tabroun or suasche³ to gang throw ony burc⁴ for sutting of men to the rest of the ansaingzies unto the xx day of December nixtocum be by-past.

Instructionis for Ross Herald, to be schawin to Mons. Novellis, Ambassadour for the Maist Cristine King in Londoun.

IN the first, To schaw him quhow the Bordouraris of Inglande daylie ridis in Scotlande upoun the fronteris of the samyn, takand heirschippis of gudis, committand slauchteris, and utheris greit crymis and wrangis, upoun the liegis of this Realme, quhareof the Wardanis can get na redres, quhilke apperis manifestlie to move occasioun of weir betwix the Realmes, gif haisty remeid be not providit, and ordour put thairto. And speciallie to schaw how ane Capitane of Norhame, twa zeir syne or thairby, viz. in the end of Junij 1551 zeris, schot artailzerie at the Lord Humis fischearis of his salmond-fishing upoun Tweid in Halywell, and put thame fra the fishing thairof; and continuallie sensyne the said Capitane of Norhame occupyis and withhaldis the samyn fishing, fischis and applyis the fischis thairof to his awin uis, quhairof the Lord Hume can get na redres: Howbeit Mr Gray of Chillinghame, Wardane of the Est Bordouris of Inglan, within the boundis of quhais office the said Capitane of Norhame, reiffar of the said fischemen,

¹ [Company of soldiers.—E.]

² [This Provost was Sir Andrew Kerr of Little Deane.—E.]

³ [Drum or trumpet.—E.]

⁴ [Evidently *burgh* or *borough*.—E.]

dwellis, hes bene diverse tymes requirit tharefor, alswele be my Lord Governouris awn speciall wrytting as be the Wardanis of Scotlande franente him, nochtwithstanding that the samyn fisching of Halywell wes at the confirmatioun of the last Trete of Peax betwix the Realmes be the Commissionaris of Scotlande and Inglande, depute thairto realie be virtew of the said Peax, restorit to the Lord Hume and his possessioun the xxiiij day of Junij, the zeir of God foresaid, and he sufferit peceablie to occupaye and labour the said fisching thairefter be the space of viij dayis.

Item, The said Mr Gray of Chillinghame being for the tyme Wardane-Depute of Inglande, upoun the Est Merchis of Englande, lykas he is zit, Cuthbert Musgray, Capitane of Harbottill Castell in Inglande, came in the moneth of Julij last bypast, with ane greit cumpany of Inglishemen to the nowmer of fyve hundreth, upoun fair day-light, at x houris afoir none, to the landis of Zettem and Kirk-Zettem¹ in Scotlande, and thair reft and had away with thame thrette-fyve hundrethe scheip, fyve hundrethe nolt, and as zit withhaldis the samyn, quhairof the said Mr Gray will mak na redres, he being Wardane-Depute of Inglande in thair partis; bot quhen he wes requisit thairfore be the Wardane of Scotlande, maid answer—That he wes comandit to tak the gudis perteining to Scottismen within the landis forsaidis be the Lorde Quhartoun,² Generall Lieutennent and Wardane-Depute of all the Merchis of Inglan annentis Scotlande, under the Duke of Northumberland; and howbeit he hes sensyne bene requirit to redres the samyn be my Lord Governouris awin speciall wryttingis, zit he will mak nane.

Item, The Capitane of Warke, upoun the xxiv day of August last bypast, the samyn day being appointit ane day of trew and meeting of the Wardanis of Scotlande and Inglande at Reddame Burne, place accustomit to convene at dayis of trew upoun thai Merchis, come with an greit cumpanye of men, to the nowmer of sexscore and ma, to the landis of Haldane within Scotlande, nocht half an Scotis myle fra the said metyng place of Reddame Burne, and scant twa houris

¹ [Yetholm and Kirk-Yetholm, in the county of Roxburgh, on the frontier of Northumberland.—E.]

² [Wharton.—E.]

after the metyng of the Wardanis, and cruellie slew Patrik Jamesoun and Jhone Davidsoun, Scottismen, quhairof apperit to haif followit occasioun of ane greit truble hestilie, be metyng of the saidis Wardanis starklie, accompanyit as thair use is, at sik metyngis, sa suddenlie eftir the said slauchtir, and sa neir the place quhar it wes committit ; the hale kyn and frendis of the men that wes slane being accompanyit with the Scottis Wardane thairrof, as zit thair can be na redres had for na requisitoun that the Wardane of Scotlande can mak, nor zit for my Lord Governouris awin speciall wryttingis send to the Wardane of Inglande thairupoun.

And to desyr the Ambassadour foresaid to schaw thir thingis to the Quene of Inglande and hir Counsale, and to declair to thame how the Bordouris of Inglande, or at the least sum of thame that ar of evill nature and dispositioun, inemyis to peax and quietnes, inclynit to slouthe and reif, accustomit to leif thairupon daylie and nychtlie, makis invasioun upoun this Realme, sum tyme in ane part thairrof, and sum tyme in ane uther, with grete cumpanyis of men togidder in plane reif, heirschippis, and slauchteris, alswele in plane day-light as in the nycht, sum tyme xx myle within Scotlande, in plane forroying, tendying alway be all the craft thai can to provoke the liegis of this realme to do siklyke, and thairthrow to mak occasioun of weir, contrare the myndis of the Quene and Counsalis of baith the Realmes. And thairfore to perswaid the Quene and Counsale to direct Commissionaris, twa, thre, or four of Inglandismen, to meit ane lyk nowmer Commissionaris for Scotlande, at convenyent day and place, als schortlie and hastilie as he may gudlie upoun the Bordouris, for redressing of sic attemptatis, stanchying of malefactouris, and ordouring of the Bordouris, manteinance of the peax and quiet of the liegis of baith the Realmes. And gif this be refusit, that the Ambassadour mak the King advertisment thairrof.

Item, In cais it be answerit to the Ambassadour of France be the Counsale of Inglande, That this fisching of Halywell on Twead hes bene in all tymes of peax filscheit be the Capitanes of Norhame, becaus it lyis neir the wall of the castell, and that my Lord Hume gat bot allanerlie in tyme of peax ane dewtie of sylver payit to him thairfore be the Capitane of Norhame, in name of maill or ferme allaner-

lie : In that cais the Heralde foresaid sall informe the Ambassadour, that the Lordis of Hume be thairselfis and thair servandis Scottismen, in all tymes of peax bypast fischeit and occupeit that fisching of Halywell als neir the wall of Norhame as thai do now, and brocht the fische thairof daylie and continuallie away in Scotlande, but ony stop or truble of Inglischemen ; and that the samyn was never set to the Capitane of Norhame, bot allanerlie at ane tyme be the Lord Hume that last deceissit, for the space of ane zeir, for payment of ane certane sowme of money. Quhilk assedatioun wes lyk as all sik assedatiounis war, and is unlefull and forbyddin be the lawis of this Realme, that ony Scottismen sall set ony of the Quenis dominionis or possessionis to ane Inglischeman, or ony Inglischeman set ony of the Quene of Inlandis dominionis to ane Scottischeman ; and swa upoun ane assedatioun of ane zeir tak maid in maner foresaid, but consent or knowlege of the authorite or Counsale of Scotlande, unlefullie be ane private persoun, can never the Quene of Inlande, nor her Capitanes of Norhame Castell, pretend richt within the Quene our Soverane Ladyis possessionis and dominionis.

Item, In cais it be allegit be the Counsale of Inlande to the Ambassadour, That the gudis takin be the Inglischmen furt of the landis of Zettem and Kirk-Zettem townes, war justlie takin upoun the frontiers, becaus thai war pasturit and kepit within the Merchis of Inlande, and thairfore eschaet and justlie takin away be Mr Gray foirsaid off the severall ground of Inlande : In that cais to informe the Ambassadour, that supponand thai had bene fund pasturand upoun the severall ground of Inlande (as thai war nocht indeid, bot takin off the severall ground of Scotlande), zit he nicht on nowayis eschaetit thame, nor haldin thame langer, be the lawes or customes of the Bordouris, but quhill thai had payit ane grott for the heid of ilk peax for thair poundlaw.

Item, Gif it happenis to be allegit to the Ambassadour, That the Scottismen war slane be the Capitane of Warke in his defense, and thair persute within the severall ground of Inland : The Heralde sall informe him, That thai war slane, and tane up deid upoun the severall ground of Scotlande, nowthir pleyable nor debatable, ane greit way within the

peceable merche of Scotlande, in defense of thameselfis and thair cornis, quhen the said Capitane and his cumpany war etand with thair horss.

Item, In cais the Quene and Counsale of Inglande con-discend to aggre to send Commissioneris to the Bordouris, desyre the Ambassadour to knaw the namis of thame sall cum for the pairt of Inglande, and caus him name for this Realme men of sic estait as thai name; that is to say for Bischopis, Murray, Dunblane, Orknay; for Erlis, Marschell, Rothés, and Cassellis; Knychtis, Sr Williame Hammiltoun of Sanquhair, Jhone Maxwell of Tarreglis, Matelande of Lethyngtoun, Andro Jhonestoun of Elphynstoun, Robert Carnegie of Kinnarde, Maister Jhone Ballenden of Auchtnowle, Maister James Macgill of Balgawys, Maister David Borthwick of Lochhill, swa that sa mony of thir personis above-wryttin sall convene and meit with sa mony as thai sall caus come down for the part of Inglande, of semblabill estait.

N. B.—*The Record being deficient, this is gathered from Haddington's Collections.*

12th Aprile 1554.—Proclamation of the Quene-Douarier Regent.

2d June 1554.—Ordinance that the Erle of Huntlie raise an armie of the Quenis liegis fra the water of Die north — and the Erle of Argyle raise an armie of the liegis convenient and habill within the boundis of — be sea and land, to convene upon the — day of — to pas with fyre and sword, to the utter exterminion of the Clanranald, Donald Gorme, Macloyde¹ of the Lewis, and thair complices, that sendis not and enteris thair pledges as thai ar chairged.

11th October 1554.—The Erle of Huntlie being called before the Quene-Regent and Counsall, to give account of his lieutenendrie accepted be him; and he compeirand, eftir lang ressoning, and divers witnesses and probation ressavit,

¹ [Those turbulent chiefs were John Moydertach MacAllister, Captain of Clanranald, bastard son of Alexander or Allaster MacAllan Vic Ruan, Captain of Clanranald, of the House of Moydert or Clanranald, now Macdonalds; Donald Gormson, the heir of Donald Gorm, Chief of the Macdonalds of Sleat; and Ruari or Roderick Macleod, of Lewis. See Gregory's *History of the Western Highlands and Islands of Scotland*, Edin. 8vo. 1836, p. 182-4.—E.]

decerned that he had not used his Commission according to his acceptation and dewtie, but had failzied thairin, and thairfore wes ordanit to be puneissed at the Quenis plessour.

22d January 1554.—Ane gret Sederunt of Bischoppis, Erlis, Abbotis, Lordis, calling thamselffis the Lordis of Secreit Counsall, concludand that ane fort be bigged besyde Kelso; for bigging quhairof, ordanis that ane taxt of 20,000 lib. be raised, to be upliftit of the Kirkis temporall estait, to wit, 10,000 lib. of the spirituall estait, and 10,000 lib. of the Barronis, landit-men temporall estait, and Burrowis, thairof to be payed be the Barronis 6666 lib. 13 sh. 4d.; and be the Bourrowis 3333 lib. 6 sh. 8d. every pund land payand 6 sh. 8d., except the Quenis properte, and landis pertening to the Kirk; and that letteris be direct to Sheriffs, stewartis, and bailzies, and thair deputtis, chargeing thame within the boundis of thair office, that thay with all diligence raise the said sowme of 6 sh. 8d. of everie pund land of auld extent within the boundis of thair offices, and inbring the same to the collectoris depute to ressave the same at the termes following, undir the pane of rebellion; and gif thai failzie, to denunce: And for the relief of the saidis sheriffs, &c. ordainis siclyk letteris to be gevin at thair instance upoun the Erlis, Lordis, Barronis, and frehaldaris within thair boundis, chargeing thame to mak payment to the saidis sheriffs, &c. of the saidis sowme of 6 sh. 8d. for everie pund land of auld extent pertening to thame, within ten dayis eftir the charge, undir the payne of rebellion; and that siclik letteris be gevin for relief of the saidis Erlis, Lordis, &c. against thair subvassallis, ladyis tearceris, conjunct fiaris and liferenteris, to contribute with the proprietaris *pro rata*, and to make payment to the saidis proprietaris for thair relief. And whair Lordis hes landis in sheriffdomes whair thai dwell not, that letteris be direct to poynd the reddiest gudis of thair tennentis being upon the said land within the sheriffdome, for the taxt of the saidis landis; whilk poynding salbe allowed to the tenant in payment of thair maillis and dewties of the terme following.

23d June 1555.—Proclamation for repressing the West Bordouris, chargeing the landit-men of the sheriffdomes and bailzeries of Lanark, Renfrew, Kyle, Carrik, Cunning-

hame,¹ Wigton and Kirkcudbright, weill bodin in feir of weir, with thair substantious houshaldis, meit the Quene and hir Commissionaris at Dumfries upon the xx day of Julij, with xx dayis victuall and furnishing eftir thair cumming to the towne of Dumfries, undir pane of tinsell of lyfe, land and gudis.

27th June 1555.—Commissioun to the Erlis of Argyll and Atholl upon the Illis.

Commissioun to the Erle of Caithnes.

Articlis offered be Macloyd of the Lewis for his obedience and redress of wrangis, and the Erle of Argyll as cautioner for him.

2d Maij 1556.—The Lordis of Articlis, for bettir uplifting of the present taxation and in tyme cumming, hes thocht expedient that the taxt rollis of all landis within the Realme, als weill landis perteinand to the Crowne, as spirituall and temporall mennis landis, be justlie retoured, what thai extend to of auld extent of everie sheriffdome, and to be inbrocht and delivered to the Thesaurer; and siklik the names of friehalderis and feuaris, tennentis and parochinaris of everie parochin, as weill of craftismen as utheris, and cottaris inhabitantis of this Realme, be put in roll and writ be the sheriffis of everie schire, and certane commissaris to be nominat thairto, and be the deanis, rurall viccaris, curattis, and paroche-clerkis of ilk paroche and Dioce of this Realme, togidder with the qualite and habilitie of everie manis person, and quantitie of thair substance and guidis movabill and immovabill, ilk man effeirand to his estait; swa that the haill number of the pund landis of this Realme, the haill number of the Barronis and friehalderis, the haill number of parochinaris, tennentis, craftismen, cottaris, and utheris, may be understand; the qualitie of thair personis and quantite of thair gudis and landis may be knawn and put in roll: And for tryell and performing of the premissis, that letteris be direct to everie sheriff, stewart, bailzie, provest, aldermen, and bailzies of burrowis within thair awn jurisdiction, to command and charge the commissaris to be named to convene with thame at the heid burgh of the schire, and appoynt whar thai will

¹ [The districts of Kyle, Carrick, and Cunningham, now form the county of Ayr.—E.]

begin, and require the Ordinar to caus the deanis rurall of everie jurisdiction, the parson or vicar of ilk parochen, the paroche-clerk or his depute, with thair paroche-buke and clerk-buke, convene and meit with the said sheriffis and bailzies, with the commissioner foresaid, and to summond four, five, six, seven, or mae of everie parochine to convene at thair paroch-kirk att the dayis appoyntit; and being convened, that diligent inquisition be tane of the number of all friehaldaris, feuaris, tennentis, cottaris, craftismen, and all utheris inhabitantis of everie parochine, the qualite and habilitie of thair personis, quantite of thair substance and gudis movabill and immovabill, what landis thai have within the parochine in heretage, feu, takkis, or mailling for maill or ferme paying, or be what craft and industrie or utherwayis thay leive, and roll and put the same with everie manis name in writ, and inbring and delyver the saidis rollis to the Quenis Thesaurer betwix and Zule nixtocum, undir the payne of disobedience.

25th October 1557.—A discharge of the Duke's office of lieutennendrie and ratification of his proceeding thairin, and of the Act maid at Maxwellheuch be advise of the Nobilite thair present, ordaining the armie to be brocht bak, and the Siege of the Castell of Warke to be left. *This Act refers to p. 164, 165, of the History.*

14th December 1557—Ane taxation of 15,000 lib. for direction of Ambassadouris to the contracting of the Quene in marriage with the Dolfen, distribution thair of, and maner of ingaddering of the same.

Besides what has been said, p. 39, 40, 41, 42, of this History,¹ concerning the message by King Henry VIII. of England to his nephew King James V. of Scotland, such readers as have opportunity will see in Mr Strype's Annals, Vol. i. Appendix, p. 115, an original paper under the name of *an Ambassiate or Declaration* of King Henry VIII. to James V. King of Scots, concerning the Supremacy, &c., in which that King labours to perswade his nephew to vindicate his own authority from the encroachments of Rome. And this

¹ [All the subsequent documents and observations in Book I. of this Appendix are illustrations, corrections, and emendations by Bishop Keith of his "History." The pages refer to the present volume.—E.]

declaration is made by William Barlow, Bishop-Elect of St Asaph, and Thomas Holcroft, afterwards Knight and Knight-Marshal in the year 1535.

Item, Besides the Dispatch mentioned, p. 19 of our History, the King had obtained from the Pope a new Indult for the enjoyment of one year's rent of ecclesiastical benefices, to be counted from the day of the decease of the last Prelate, &c. ; the tenor of which Indult, for the sake of the curious, I have thought might be here subjoined, not only for the illustration of this particular part of our Scottish History, but as it likewise narrates some former Indults and privileges granted to our Scottish Kings, a matter which the generality of people seem to know but little about.

Bulla Indulti pro Serenissimo D. Jacobo Scotorum Rege, ad percipiendum fructus Ecclesiarum et Monasteriorum omnium ad unum Annum a die cujuslibet illorum vacationis computandum, ut infra, 1534.

PIUS Episcopus, servus servorum Dei, carissimo in Christo filio Jacobo Scotorum Regi illustri, salutem et Apostolicam benedictionem: Fidei constantia et sincera devotio, quibus in nostro et Apostolice Sedis conspectu clarere dinosceris, promerentur ut illa tibi favorabiliter concedamus, per que incumbentia tibi onera, pro subditorum tuorum benigna gubernatione, facilius valeas perferre. Sane pro parte tua nobis nuper exhibita petitio continebat, quod licet alias felicis recordationis Innocentius VIII. quod occurrente vacatione ecclesiarum et monasteriorum Regni Scotie, quorum singulorum fructus, redditus et proventus ducentorum Florenorum auri, secundum communem extimationem, valorem annum transcenderent, in providendo post vacationes hujusmodi ad minus per octo menses supersederi, et clare memorie Jacobi Scotorum Regis, tunc in humanis agentis, ac successorum suorum Scotorum Regum, interim desuper littere et humiles supplicationes durante dicto tempore octo mensium, expectari deberent, ut illis intellectis salubrius per Sedem Apostolicam ad provisiones hujusmodi procedi posset, per quasdam voluerit et Leo X. Roman. Pontifices predecessores nostri, motu proprio literas Innocentii predecessoris hujusmodi, per suas litteras approbaverit et inno-

vaverit, prout in singulis litteris predictis dicitur plenius contineri: et tui predecessores Scotorum Reges qui pro tempore fuerunt, per tantum tempus, cujus contrarii memoria hominum non existit, consueverint; tuque prefati Jacobi Regis natus et successor consueveris fructus, redditus, et proventus quarumcunque Ecclesiarum etiam Metrapolitan. et Primacialium, ac quorumvis ordinum Monasteriorum in dicto Regno consistentium, et quovis modo pro tempore vacantium, ac ad nominationem vestram, ex privilegio Apostolico spectantium, quousque Ecclesiis et Monasteriis hujusmodi de personis idoneis, per eundem Regem nominandis, per nos et sedem predictam provideatur percipere et levare, ac perceptos et levatos, quousque provisi Ecclesiarum et Monasteriorum hujusmodi possessionem assecuti fuerint, in vestram et Regni ejusdem tuitionem ac alios honestos usus convertere. Nichilominus tu cupis, pro majori conscientie tue dilucidatione, tibi per nos desuper licentiam impartiri. Quare pro parte tua nobis fuit humiliter supplicatum; ut conscientie tue, paci et quieti in premissis opportune providere, de benignitate Apostolica dignaremur. Nos igitur volentes te, quem speciali dilectionis affectu ex visceribus caritatis prosequimur, favore prosequi benivolo, hujusmodi supplicationibus inclinati, Majestati tue, ut quoad vixeris, fructus, redditus, proventus, jura et emolumenta temporalia quecunque quarumlibet Ecclesiarum, etiam Primacialium et Metropolitan. et quorumvis etiam Cluniacen. Cistercien. Premonstraten. ordinum Monasteriorum, et aliorum quorumcunque dicti Regni, pro tempore quomodolibet vacantium, ad que jus nominandi personas idoneas tibi per sedem eandem concessum est, ad annum integrum, duntaxat a die illorum vacationis computandum, et non ultra, exigere, percipere, et levare, ac in tuos et Regni tui hujusmodi usus honestos, absque alicujus censure seu pene incursu, aut inhabilitatis nota, seu conscientie scrupulo, convertere libere et licite valeas, auctoritate Apostolica tenore presentium concedimus et indulgemus. Quocirca, venerabilibus Fratribus nostris, Archiepiscopo Glasguen. et Candide Case ac Cathenen. Episcopis, per easdem presentes committimus et mandamus, quatinus ipsi, vel duo aut unus eorum, per se vel alium seu alios, tibi in premissis efficacis defensionis presidio assistentes, faciant auctoritate nostra te indulto

hujusmodi pacifice gaudere ; non permittentes te desuper per quoscunque, contra presentium tenorem, quomodolibet impediri seu molestari ; contradictores quoslibet et rebelles per censuras et penas Ecclesiasticas, appellatione postposita, compescendo, ac censuras et penas ipsas, etiam iteratis vicibus, aggravando ; invocato etiam ad hoc si opus fuerit auxilio brachii secularis : non obstantibus quibusvis Apostolicis, ac in Provincialibus et Synodalibus Conciliis, editis generalibus vel specialibus, constitutionibus et ordinationibus, nec non Ecclesiarum, Monasteriorum et ordinum predictorum juramento, confirmatione Apostolica, vel quavis firmitate alia roboratis, statutis et consuetudinibus ac quibusvis privilegiis, exemptionibus et Indultis Apostolicis eisdem ecclesiis, monasteriis, et ordinibus, ac illorum Prelatis, Conventibus, et personis, sub quibuscunque tenoribus et formis, ac cum quibusvis etiam derogatoriis derogatoriis, aliisque efficacioribus et insolitis clausulis irritantibusque, et aliis decretis, etiam motu proprio, et ex certa scientia, ac quavis consideratione, et ex quibusvis causis, per quoscunque Roman. Pontifices predecessores nostros et sedem predictam, etiam iteratis vicibus, in genere vel in specie concessis, approbatis et innovatis. Quibus omnibus etiamsi de illis eorumque totis tenoribus specialis, specifica, individua et expressa, ac de verbo ad verbum, non autem per clausulas generales idem importantes, mentio, seu quevis alia expressio habenda, aut aliqua exquisita forma ad hoc servanda foret, tenores hujusmodi ac formas et dat. nec non decreta in illis apposita, ac si de verbo ad verbum nichil penitus omisso, et forma in illis tradita observata inserti forent presentibus, pro sufficienter expressis habentes, illis alias in suo robore permansuris hac vice duntaxat specialiter et expresse derogamus contrariis quibuscunque : Aut si aliquibus, communiter vel divisim, ab eadem sit sede indultum, quod interdicti, suspendi vel excommunicari non possint per literas Apostolicas non facientes plenam et expressam, ac de verbo ad verbum, de indulto hujusmodi mentionem. Nulli ergo omnino hominum liceat hanc paginam nostrorum concessionis, indulti, mandati et derogationis infringere, vel ei ausu temerario contraire. Si quis autem hoc attemptare presumpserit, indignationem Omnipotentis Dei, ac beatorum Petri et Pauli Apostolorum ejus se noverit incursurum. Dat. Rome apud

Sanctum Petrum, Anno Incarnationis Dominice millesimo quingentesimo trigesimo quarto, Non. Martii, Pontificatus nostri anno primo.

L. DE TORRES.¹

Item, p. 45. As a sure authority that the clergy had made a large donative to the King in the year 1541, see "Epistolæ Regum Scotiæ," vol. ii. p. 109.

Item, p. 57. That the institution of the Court of Session may be most fully and surely ascertained, I reckon the curious may receive with pleasure the two following authentic Bulls of the Popes.

CLEMENS Episcopus, servus servorum Dei, ad perpetuam rei memoriam. Preclara merita, quibus charissimus in Christo filius noster Jacobus Scotorum Rex illustris, in nostro et Apostolice Sedis conspectu, fide constantissima continuo resplendet, nos excitant, et quodammodo ejus de fide, predictis meritis id exigentibus, nos impellunt, ut illa sibi ejusque posteris regalis fastigii celsitudine fulgentibus favorabiliter concedamus, per que justitia in eo, equa lance omnibus mature ministrata, Regnum ipsum in quietis et tranquillitatis amenitate permaneat. Sane cum, sicut dilectus filius nobilis vir Johannes Albanie Dux, noster secundum carnem affinis, dicti Jacobi Regis nomine nobis exposuit; prefatus Rex benigno subditorum suorum regimine, et ut in Regno suo justitia mature et securius ministretur, cupiat in ipso Regno unum collegium proborum et literatorum virorum, per ipsum Jacobum Regem et successores suos prefatos eligendorum, quorum media pars in dignitate ecclesiastica constituta existat, qui de causis suorum Regnicolarum cognoscant, institui: quia tamen id sine magnis expensis fieri nequit, et ad hujusmodi sustinendas expensas facultates ipsius Regius, qui quamplurima alia onera pro dicti Regni regimine subire cogitur, non parum extimate minus suppetant; dictus Johannes Dux, dicti Jacobi nomine, nobis humiliter supplicavit, ut a Prelatis Regni sui, quorum non minus quam aliorum Regnicolarum interest, ut ipsum Regnum in quiete,

¹ Besides the Secretary De Torres, there are about eight other subscriptions which we cannot distinctly read.

tranquillitate et amenitate permaneat, justitiaque ibi vigeat, et mature ministretur; aliquod eidem Regni subsidium ministrari, et procurari de benignitate Apostolica dignaremur. Nos igitur Regnum predict. in tranquillitate, amenitate, et justitia permanere, et perpetua quiete frui exoptantes, ac equum reputantes, ut Prelati ejusdem Regni ad expensarum hujusmodi supportationem sua suffragia et subsidia imperiantur; hujusmodi supplicationibus inclinati, auctoritate Apostolica tenore presentium, perpetuo statuimus et ordinamus, quod de cetero, quamdiu tamen, dict. Jacobus Rex et ejus successores in nostra et Sedis Apostolice fide, obedientia et devotione permanserint, universi quarumvis Metropolitan. et aliarum Cathedralium Ecclesiarum, secularium et regularium, Archiepiscopi, etiam Primate et Legati nati, ac Episcopi, necnon quorumvis ordinum Monasteriorum Abbates, et Prioratum conventualium ejusd. Regni Priores, seu Ecclesiarum, Monasteriorum, et Prioratum eorund. perpetui vel temporales administratores et commendatarii pro tempore existentes, et alii ipsius Regni Prelati etiam exempti, ex fructibus, redditibus et proventibus Ecclesiarum, Monasteriorum, et Prioratum, eidem Jacobo Regi et successoribus suis Scotorum Regibus pro tempore existen. pro institutione et manutentione unius Collegii proborum et literatorum virorum, quorum media pars in dignitate Ecclesiastica constituta omino esse debeat, per Jacobum Regem et successores prefatos alias rite pro tempore eligendorum, qui de causis Regnicolarum predict. cognoscant, illasque audiant, decident et fine debito terminent, ac eis justitiam ministrent; per eund. Jacobum Regem de novo in dicto Regno instituen. perpetuo annis singulis realiter et cum effect. usque ad summam decem millium Ducatorum auri de Camera, juxta quantitatem fructuum, reddituum, et proventuum Ecclesiarum, Monasteriorum, et Prioratum eorundem, per eos distribuere et colligere. solvere debeant et teneantur. Quocirca venerabilibus fratribus nostris Archiepiscopo Glasguen.¹ et Moravien.² ac Candide Case³ Episcopis per Apostolica scripta

¹ [Gavin Dunbar, Archbishop of Glasgow.—E.]

² [Andrew Stuart, Bishop of Moray, son of Alexander Duke of Albany, (son of James II.), by his wife Catharine Sinclair, daughter of William Earl of Caithness and Orkney. As this marriage was pronounced unlawful by Act of Parliament, Bishop Stuart was declared illegitimate, which induced him to enter the service of the Church.—E.]

³ [Henry Wemyss, Bishop of Galloway.—E.]

mandamus, quatinus ipsi, aut duo aut unus eorum, per se aut alium seu alios, Jacobo Regi et successoribus prefatis, in premissis efficacis defensionis presidio assistentes, faciant auctoritate nostra, per Prelatos predict. usque ad dictam summam decem millium Ducatorum hujusmodi, Jacobo Regi et successoribus suis prefatis, annis singulis, juxta presentium tenorem, integre persolvi; contradictores quoslibet et rebelles, per penas et censuras Ecclesiasticas, et alia juris remedia, appellatione postposita, compescend. non obstan. constitutionibus et ordinationibus Apostolicis, ac Ecclesiarum, Monasteriorum, et Prioratuum predict. etiam juramento, confirmatione Apostolica, vel quavis firmitate alia roboratis, statutis et consuetudinibus, nec non quibusvis exemptionibus, immunitatibus, privilegiis, indultis et literis Apostolicis, etiam Primatibus et Legatis natis, Episcopis, Abbatibus, Prioribus, Administratoribus, Commendatariis, et aliis Prelatis, sub quibuscunque tenoribus et formis, ac cum quibusvis clausulis et decretis, etiam motu et scientia similibus concessis et approbatis. Quibus omnibus tenores illorum, ac si de verbo ad verbum insererentur presentibus, pro sufficienter expressis habentes, illis alias in suo robore permanens, hac vice duntaxat specialiter et expresse derogamus; et eis adversus premiss. nullatenus suffragari volumus; ceterisque contrariis quibuscunque: Aut si Archiepiscopis, etiam Primatibus et Legatis natis, Episcopis, Abbatibus, Prioribus, Administratoribus, Commendatariis, et aliis Prelatis prefatis, vel quibusvis aliis, communiter vel divisim, ab eadem sit sede indultum, quod interdicti, suspendi et excommunicari non possint, per Literas Apostolicas, non facientes plenam ac de verbo ad verbum de Indulto hujusmodi mentionem.

Nulli ergo omnino hominum liceat hanc paginam nostre Institutionis, Concessionis, Indulti, mandati et derogationis infringere, vel ei ausu temerario contraire. Si quis autem hoc attemptare presumpserit, indignationem Omnipotentis Dei, ac beatorum Petri et Pauli Apostolorum ejus, se noverit incursurum. Dat. Rome apud Sanctum Petrum, anno Incarnationis Dominice 1531, Pontificatus nostri anno octavo.

Processus super Bulla Confirmationis Collegii Justitie Serenissimi Domini Scotorum Regis semper Illustrissimi.

UNIVERSIS et singulis, reverendissimis ac reverendis in Christo Patribus et Dominis, Dominis, Dei et Apostolice Sedis gratia quarumvis Metropolitan. et aliarum Cathedralium Ecclesiarum, secularium et regularium, Regni Scotiæ, Archiepiscopis, etiam Primatibus et Legatis natis, ac Episcopis, eorumque et cujuslibet eorum vicariis et officialibus, generalibus ac subdelegatis, et commissariis, nunc et pro tempore existentibus; necnon quorumvis ordinum Monasteriorum Abbatibus, ac Prioratum conventualium Prioribus, seu Ecclesiarum, Monasteriorum et Prioratum eorundem perpetuis vel temporalibus administratoribus et commendatariis nunc et pro tempore existentibus, et aliis quibuscunque dicti Regni Scotie Prelatis, etiam exemptis, omnibusque aliis et singulis quorum interest, intererit aut interesse poterit, quosque infrascript. tangit negotium seu tangere poterit quomodolibet in futurum, communiter vel divisim, quibuscunque nominibus censeantur, aut quacunque perfulgeant dignitate, HIERONIMUS de Ghimitiis,¹ eadem gratia Episcopus Wigornien. curie causarum Camere Apostolice generalis auditor, judex et executor ad infrascripta, una cum quibusdam aliis nostris in hac parte Collegis; cum illa clausula Quatinus ipsi vel tres, aut duo, seu unus eorum, per se vel alium, seu alios, &c. a sede Apostolica specialiter deputatus, Salutem in Domino; et nostris hujusmodi ymmo verius Apostolicis, firmiter obedire mandatis. Literas sanctissimi in Christo Patris et Domini nostri, Domini Pauli divina providentia Pape tertii, ejus vera Bulla plumbea, cum filis sericis rubei croceique coloris more Roman. curie impendentes, bullatas, sanas siquidem et integras, non vitiatas, non cancellatas, neque in aliqua sui parte suspectas, sed omni prorsus vitio et suspicione carentes, ut in eis prima facie apparebat;

¹ In the "Epistolæ Regum Scotiæ," vol. ii. towards the end of the reign of this King James V. there is much mention made of the Cardinal *Hieronymus de Ghymiciis*; who we are assured, p. 96, &c. was Vice-Protector of the Scottish Nation in the absence of *Rodolphus Cardinalis Carpentis*. Any of the Cardinals comes to get the denomination of *Protector*, according as he takes upon him the charge of the affairs of a nation at the instances of the Prince.

nobis, pro parte serenissimi ac illustrissimi Principis et Domini, Domini Jacobi Scotorum Regis illustris principalis, in eisdem Literis Apostolicis principaliter nominati, coram Notario publico Archivii Roman. curie scriptore, et testibus infrascriptis, presentatas, nos, cum ea qua decuit reverentia, noveritis recepisce, hujusmodi sub tenore : PAULUS Episcopus, servus servorum Dei, ad perpetuam rei memoriam. Preclara carissimi in Christo filii nostri Jacobi Scotorum Regis illustris merita, quibus ipse, more clarissimorum Regum Scotorum, progenitorum suorum, in nostro et Apostolice Sedis conspectu clarere dinoscitur, non indigne merentur, ut petitionibus suis, presertim justicie cultum ac subditorum suorum benignam gubernationem, ac tranquillum statum concernentibus, quantum cum Deo possumus, favorabiliter annuamus : ac ea que per eum propterea provide gesta sunt, ut illibata persistent Apostolici muniminis soliditate, prompta benevolentia robaremus : Dudum cum prefatus Jacobus Rex felicis memorie Clementi Pape septimo, predecessori nostro exponi fecisset, se summopere cupere, Regnum suum Scotie in quietis et tranquillitatis amenitate perpetuo permanere, ac omnibus illius Regnicolis justiciam equa lance liberius ministrari : prefatus Clemens predecessor, eodem Jacobo Rege id ab ipso predecessore instanter petente, ac desuper humiliter supplicante, quod ex tunc de cetero perpetuis futuris temporibus, universi et singuli quarumvis Metropolitanarum et aliarum Cathedralium Ecclesiarum, secularium et regularium dicti Regni, Archiepiscopi, etiam Primates et Legati nati, ac Episcopi, nec non quorumvis ordinum Monasteriorum Abbates, ac Prioratum conventualium Priores, seu Ecclesiarum Monasteriorum et Prioratum eorundem perpetui vel temporales administratores et commendatarii pro tempore existentes, et alii ipsius Regni Prelati, etiam exempti, ex fructibus, redditibus et proventibus Ecclesiarum, Monasteriorum, et Prioratum hujusmodi, pro institutione et manutentione unius Collegii proborum et literatorum virorum, quorum media pars in dignitate Ecclesiastica constituta omnino esse deberet, per Jacobum Regem, et successores suos prefatos, alias rite pro tempore elegendorum, qui de causis civilibus et prophanis Regnicolarum predictorum cognoscerent, illasque audirent, deciderent et fine debito terminarent, ac eis justitiam minis-

trarent, per eundem Jacobum Regem de novo in dicto Regno perpetuo instituendi annis singulis realiter et cum effectu, usque ad summam decem millium Ducatorum auri de Camera, juxta quantitatem fructuum, reddituum et proven-
tuum Ecclesiarum, Monasteriorum, et Prioratuum eorundem, distribuendorum et colligendorum, solvere deberent et tenerentur; per suas sub plumbo confectas literas statuit et ordinavit, prout in eisdem literis plenius continetur. Cum autem, sicut prefatus Jacobus Rex nobis, qui dicto predecessore, sicut Domino placuit, sublato de medio, divina favente clementia, ad summum Apostolatus apicem assumpti fuimus, nuper exponi fecit ipse hujusmodi Collegium Justitie proborum et literatorum virorum, unius Presidentis, Prelati semper Ecclesiastici, ac quatuordecim aliarum personarum, quarum media pars in dignitate Ecclesiastica constituta semper existat, per eundem Jacobum et pro tempore existentem Scotorum Regem electorum et eligendorum, qui de dictis causis Regnicolarum predictorum, ut prefer-
tur, cognoscant, illasque audiant, decidant, et fine debito terminent in ejus supremo Parlamento, de concilio et assensu trium statuum dicti Regni, sua regia auctoritate instituerit: et erga Archiepiscopos, Episcopos, Abbates, Priores, Administratores, Commendatarios, et alios Prelatos predictos, prout ejus predecessores facere consueverunt, se liberalem et munificum reddere volens, summa decem millium ducatorum predicta, ad mille et quadringentas libras usualis monete Regni predicti, trecentas quinquaginta libras sterlingorum vel circa constituentes, reducta, cum eisdem Archiepiscopis, Episcopis, Abbatibus, Prioribus, Administratoribus, Commendatariis, et aliis Prelatis, etiam exemptis, predictis convenerit, quod pro hujusmodi Collegii Justicie per eundem Jacobum Regem de novo instituti, annua et perpetua sustentatione et manutentione, per Archiepiscopos, Episcopos, Abbates, Priores, Administratores, Commendatarios, et alios Prelatos predictos, solum summa predicta mille quadringentarum librarum usualis monete dicti Regni solvi debeat; ipsaque summa mille quadringentarum librarum sic reducta, ex fructibus, redditibus et proventibus beneficiorum Ecclesiasticorum secularium ac etiam regularium, ad eorum collationem, provisionem, presentationem, et quamvis aliam dispositionem, communiter vel

divisim, spectantium, aut alias, per eos et eorum singulos, Capitulorum, Ecclesiarum et Conventuum, Monasteriorum et Prioratum suorum, ad id respective, expresso accedente consensu, nominandorum ; per dictum Collegium, ac collectorem ab eisdem pro tempore deputatum, annis singulis perpetuis futuris temporibus, levetur et exigatur ; ac per immediatos in nominandis beneficiis hujusmodi futuros successores et possessores, in perpetuum cedentibus, etiam ex causa permutationis, vel decedentibus modernis eorundem nominandorum beneficiorum possessoribus, seu illa alias quomodolibet dimittentibus vel amittentibus, et illis quibusvis modis etiam per privationem simul vel successive vacantibus, etiam apud sedem Apostolicam, seu provisionibus de illis eisdem Apostolica et alia quavis auctoritate quibuscunque personis faciendis, ex quibuscunque causis nullis et invalidis forsan existentibus, et affectum sortiri nequeuntibus, singulis annis perpetuis futuris temporibus, in locis et terminis in mandatis Archiepiscoporum, Episcoporum, Abbatum, Priorum, Administratorum, Commendatariorum, et Prelatorum predictorum desuper confectis, expressis et conficiendis, exprimentis, ac sub censuris et penis Ecclesiasticis etiam privationis beneficiorum predictorum per nos et sedem Apostolicam apponendis, in eventum non solutionis ipsius summe, seu rate sive partis illius eos contingentis eo ipso incurrendis, plenarie, et integre persolvatur, seu Collegium prefati, aut collector ab eis pro tempore deputatus, eandem summam mille quadringentarum librarum, ut prefertur, reductam ad eorum manus proprias, per se vel alium, seu alios eorum nomine, propria auctoritate exigant, levent, et percipiant ; ac in dicti Presidentis et aliarum quatuordecim personarum Collegii Justicie hujusmodi pro tempore existen. usus et utilitatem, per modum distributionum quottidianarum, ad ratum residentie per eos et eorum quemlibet pro tempore faciende, loco annuarum pensionum, que ab omni jurisdictione ordinaria, ac ob omni decima contributione collecta, exactione ac subsidio etiam caritativo, oneribusque ordinariis, et extraordinariis, quavis etiam Apostolica auctoritate, etiam regia instancia, et ex quibusvis causis, etiam expeditionis contra Turchas et Infideles, seu alias quomodolibet pro tempore impositis et imponendis, libere, immunes et exempte sint, convertant ; prout in literis patentibus ipsius

Regis, et instrumentis publicis desuper confectis, quorum tenores presentibus pro sufficienter expressis habent. plenius dicitur contineri; et propterea pro parte Jacobi Regis, ac Archiepiscoporum, Primatum, Legatorum natorum, Episcoporum, Abbatum, Priorum, Administratorum, Commendatariorum, et aliorum Prelatorum predictorum, nobis humiliter supplicatum fuerit, ut institutioni, concessioni et conventioni hujusmodi, pro illarum subsistentia firmiori, robur Apostolice firmitatis adjicere, et alias in premissis opportune providere de benignitate Apostolica dignaremur: Nos dicti regni prosperum et tranquillum statum paterno zelantes affectu, ac sperantes ex premissis in illo tranquillitatis et pacis dulcedine, successurum; hujusmodi supplicationibus inclinati, institutionem, concessionem et conventionem predictas, ac prout illas concernunt, omnia et singula in literis et instrumentis, predictis contenta, licita et honesta, ac sacris canonibus non contraria, rata et grata habentes, illa, auctoritate Apostolica tenore presentium, approbamus ac confirmamus, et plenum effectum sortiri, et inviolabiliter perpetuo observari debere decernimus: Supplentes omnes et singulos juris et facti defectus, si qui forsan intervenerint in eisdem. Et nichilominus eidem Collegio pro illius manutentione ultra dictam summam mille quadringentarum librarum dicte monete, ut prefertur, reductam, ac inter Archiepiscopos, Episcopos, Abbates, Priores, Administratores, Commendatarios, et alios Prelatos predictos distributam, et alios redditus, proventus et emolumenta quecumque per dictum Jacobum et successores suos Scotorum Reges pro tempore existentes, ac alios quoscunque, ipsi Collegio, pro uberiori illius manutentione legitime donata et concessa, ac donanda et concedenda, pro tempore, cum assignata fuerint; Nec non dicto Rege in hoc consentiente tot beneficia Ecclesiastica, cum cura vel sine cura, de jure Patronatus ex dotatione vel fundatione ipsius Regis vel predecessorum suorum existentia; quorum insimul fructus, redditus et proventus ducentarum librarum sterlingorum similium, secundum communem estimationem, valorem annum non exedant, de cetero per obitum cujuscunque seu quorumcunque; illa obtinentis seu obtinentium vacatura, cum vacaverint, cum omnibus juribus et pertinentiis suis, ita quod liceat Presidenti et Senatoribus pro tempore existentibus, Collegii

hujusmodi per se vel ab eis deputatos collectores unum vel plures, seu alios eorum nomine, summam ipsam, a dictorum nominandorum beneficiorum immediatis successoribus et suorum successorum successoribus prefatis in perpetuum, exigere et levare, seu propria auctoritate percipere, ac in dicti Collegii usus convertere: nec non decedentibus simul vel successive beneficia hujusmodi obtinentibus, corporalem possessionem beneficiorum juriumque et pertinentiarum prædictorum propria auctoritate libere apprehendere et perpetuo retinere, ac illorum fructus, redditus et proventus similiter in dictos usus et utilitatem convertere, Ordinariorum locorum et collatorum ac possessorum nominandorum beneficiorum hujusmodi, ac quorumvis aliorum, licentia super hoc minime requisita; sic tamen, quod beneficia hujusmodi debitis propterea non fraudentur obsequiis, et animarum cura in eis, si qua illis immineat, nullatenus negligatur, sed per probos ydoneos animarum cura exerceatur, et eorum congrue supportentur onera consueta, ex nunc, prout ex tunc, et e contra, auctoritate et tenore predictis perpetuo applicamus et appropriamus, ac unimus, annectimus, et incorporamus. Et insuper cum juxta institutionem Collegii et conventionem hujusmodi, Presidens dicti Collegii semper Prelatus Ecclesiasticus, et quattuordecim persone predictæ Collegium ipsum justitiæ constituentes, simul et continuo residere, ac indies justitiæ Regnicolis predictis ministrare sint astricti, ne eos a civitate, oppido aut alio loco, in qua, seu quo, eos collegialiter pro tempore residere contigerit, ad alia loca quovismodo in judicium a quibuscunque trahantur, Presidentem et quattuordecim Senatores Collegii hujusmodi pro tempore existentes, quamdiu actu Senatores extiterint, ac eorum Clericos, Scribas, Notarios et Advocatos pro tempore descriptos, et ad actuale exercitium admissos, nec non reliquos dicti senatus officiales necessarios, similiter pro tempore existentes, dum in exercitio hujusmodi officii versabuntur, ab omni jurisdictione, superioritate, dominio, imperio, potestate, preeminentia, visitatione et correctione quorumcunque Archiepiscoporum, etiam Primatum, et Legatorum natorum, ac Episcoporum et aliorum Ordinariorum dicti Regni, nunc et pro tempore existentium, et suorum Officialium et Commissariorum pro tempore quomodolibet deputatorum, auctoritate et tenore supradictis, penitus et omnino

in perpetuum eximimus et totaliter liberamus, ac sub beati Petri et sedis Apostolice ac nostra protectione suscipimus; ita quod Archiepiscopi, Primates, Legati nati, Episcopi, Ordinarii Officiales et Commissarii prefati, nullam in eos etiam ratione delicti, contractus domicilii, et rei de qua ageretur, ubicunque committatur delictum, ineatur contractus, aut res seu domicilium hujusmodi consistant, jurisdictionem, dominium vel potestatem possint quomodolibet exercere. Sed teneantur Presidens et quatuordecim Senatores pro tempore existentes, et justitiam ut premittitur ministrantes, eorumque Clerici, Scribe, Notarii, et Advocati ac Officiales senatus predicti, coram venerabili fratre Candide Case et Capelle Regie Strivelingen. Episcopo, ac dilectis filiis Abbate Monasterii beate Marie de Newbottill Sancti Andree Diocesis, nec non Preposito Capelle Regie beate Marie de Rupe, infra seu prope civitatem Sancti Andree, de se querelantibus, de justitia, in illis que ad forum Ecclesiasticum spectant respondere; districtius inhibentes eisdem Archiepiscopis etiam Primatibus, et Legatis natis, Episcopis, Ordinariis, Officialibus et Commissariis, ne Presidentem, Senatores, Clericos, Scribas, Notarios, Advocatos, et reliquos Officiales Collegii hujusmodi pro tempore existentes, contra exemptionem, liberationem et susceptionem nostras predictas, per se vel alios, directe vel indirecte, quovis quesito colore, molestare, inquietare seu perturbare quoquo modo presumant: ac decernentes irritum et inane quicquid secus scienter vel ignoranter contigerit attemptari. Quocirca, venerabili fratri Vigorinen. curie causarum Camere Apostolice generali Auditori, et prefatis Candide Case et Capelle Regie Episcopis, nec non Abbati et Preposito, per easdem presentes committimus et mandamus, Quatinus ipsi, vel tres vel duo vel unus eorum, per se vel per alium seu alios, presentes literas, et in eis contenta quecunque, ubi et quando opus fuerit, ac quotiens, pro parte Jacobi, et pro tempore existentis Scotorum Regis, nec non Presidentis et Senatorum Collegii predictorum, seu alicujus eorum, fueritis requisiti; solenniter publicantes, eisque in premissis efficacis defensionis presidio assistentes, faciant auctoritate nostra literas et in eis contenta hujusmodi firmiter observari, ac singulos quos ipse presentes litere concernunt, illis pacifice gaudere; non permittentes eos desuper per

quoscunque, contra earundem presentium tenorem quomodolibet molestari; Contradictores quoslibet et rebelles per censuras et penas Ecclesiasticas, ac etiam pecuniarias eorum arbitrio moderandas, et alia opportuna juris remedia, appellatione postposita, compescendo; Ac legitimis super his habendis servatis processibus, censuras et penas ipsas iteratis vicibus aggravando, invocato etiam ad hoc, si opus fuerit, auxilio brachii secularis, non obstantibus nostra, per quam dudum inter alia voluimus, quod petentes beneficia Ecclesiastica aliis uniri, tenerentur exprimere verum annum valorem secundum extimationem predictam, etiam beneficii cui aliud uniri peteretur, alioquin unio non valeret, et semper in unionibus commissio fieret ad partes, vocatis quorum interesset, ac Lateran. Concilii novissime celebrati; Nec non felicitis recordationis Innocentii Quarti, que incipit *volentes*, ac Bonifacii Octavi Pontificum, predecessorum nostrorum, qua cavetur, ne quis extra suam civitatem vel Diocesim, nisi in certis exceptis casibus, et in illis ultra unam dietam, a fine sue Dioces. ad iudicium evocetur; Seu ne iudices a Sede prefata deputati extra civitatem vel Dioces. in quibus deputati fuerint, contra quoscunque procedere, aut alii vel aliis vices suas committere, quoquomodo presumant; et de duabus dietis in Concilio generali edita, dummodo ultra tres dietas aliquis auctoritate presentium non trahatur, ac quibusvis aliis constitutionibus et ordinationibus Apostolicis: Nec non Ecclesiarum et Monasteriorum ac Prioratum, etiam in quibus beneficia nominanda huiusmodi forsitan extiterint, ac illorum etiam Cluniacen. Cistercien. Premonstraten. et Carthusian. ordinum, nec non hospitalis Sancti Johannis Hierosolimitan. juramento, confirmatione Apostolica, vel quavis firmitate alia roboratis, statutis, et consuetudinibus, stabilimentis, usibus et naturis, ac quibusvis privilegiis, exemptionibus, immunitatibus, conservatoriis, indultis et literis Apostolicis illis in genere vel in specie, sub quibuscunque tenoribus et formis, ac cum quibusvis etiam derogatoriis derogatoriis aliisque efficacioribus et insolitis clausulis, nec non irritantibus, et aliis decretis talibus, quod illis nullatenus, aut non nisi sub certis modo et forma derogari possit etiam motu proprio et ex certa scientia, ac quavis etiam regia consideratione, et ex quibusvis causis per quoscunque Roman. Pontifices predecessores nostros, ac per nos et sedem

predictam, etiam iteratis vicibus concessis approbatis et innovatis. Quibus omnibus, etiamsi pro illorum sufficienti derogatione, de illis eorumque totis tenoribus specialis, specifica, individua et expressa mentio habenda, aut aliqua alia exquisita forma ad hoc servanda foret, tenores hujusmodi, ac si de verbo ad verbum nichil penitus omisso, et forma in illis tradita observata inserti forent, presentibus pro sufficienter expressis habentes, illis alias in suo robore perman-suris, hac vice duntaxat specialiter et expresse derogamus, contrariis quibuscunque aut si quibusvis communiter vel divisim ab eadem sit sede indultum, quod interdicti, suspendi vel excommunicari non possint, per literas Apostolicas non facientes plenam et expressam ac de verbo ad verbum de Indulto hujusmodi mentionem. Volumus autem, quod si aliquas parrochiales Ecclesias, vel alia beneficia curata, predicto Collegio in unum presentium uniri, annecti et incorporari contingat, animarum cura parrochialibus Ecclesiis, seu aliis beneficiis sic unitis, imminens per perpetuos Vicarios, quibus sufficiens portio ad sustentationem, fructuum, reddituum et proventum parrochialium Ecclesiarum seu beneficiorum unitorum hujusmodi reservetur, omnino exerceatur et sustentetur. Et quia difficile foret presentes literas ad singula loca ubi opus fuerit deferre, Apostolica auctoritate predicta, decernimus, quod transumptis earundem presentium manu Notarii publici subscriptis, et sigillo alicujus persone in dignitate Ecclesiastica constitute munitis, eadem prorsus fides in judicio et extra adhibeatur, que eisdem presentibus adhiberetur, si forent exhibite vel ostense. Nulli ergo omnino hominum liceat hanc paginam nostre approbationis, confirmationis, decreti, supplementationis, applicationis, appropriationis, unionis, annexionis, incorporationis, exemptionis, liberationis, susceptionis, inhibitionis, mandati, voluntatis et derogationis infringere, vel ei ausu temerario contraire. Si quis autem hoc attemptare presumpserit, indignationem Omnipotentis Dei, ac beatorum Petri et Pauli Apostolorum ejus, se noverit incursurum. Dat. Rome apud Sanctum Petrum anno Incarnationis Dominice millesimo quingentesimo trigesimo quarto, sexto Idus Martii, Pontificatus nostri anno primo. POST QUARUM QUIDEM literarum Apostolicarum presentationem et receptionem nobis et per nos, ut premittitur, factas, fuimus pro parte

prefati serenissimi et illustrissimi Domini, Domini Jacobi Scotorum Regis, nec non modernorum Presidentis et Senatorum Collegii, de quibus in preinsertis literis Apostolicis fit mentio, principalium in eisdem preinsertis literis Apostolicis principaliter nominatorum debita cum instantia requisiti, quatinus ad executionem dictarum literarum Apostolicarum et contentorum in eisdem procedere dignaremur, juxta traditam seu directam per eas a Sede Apostolica nobis formam: Nos, igitur, Hieronimus de Ghimitiis Episcopus et Auditor, judex et executor prefatus, attendentes requisitionem hujusmodi fore justam et rationi consonam, volentesque mandatum Apostolicum supradictum nobis in hac parte directum reverenter exequi, ut tenemur; idcirco auctoritate Apostolica nobis commissa, et qua fungimur in hac parte, prefatas literas Apostolicas et hunc nostrum processum, ac omnia et singula in eis contenta vobis omnibus et singulis supradictis, communiter vel divisim, intimamus, insinuamus, et notificamus, ac ad vestram et cujuslibet vestrum noticiam deducimus et deduci volumus per presentes. Et nichilominus vos reverendissimos ac reverendos, patres Dominos Archiepiscopos, etiam Primates, et Legatos natos, nec non Episcopos, Vicarios, Officiales generales ac Subdelegatos, et Commissarios ac Abbates, Priores, Administratores, Commendatarios et Prelatos, omnesque alios et singulos supradictos, quibus presens noster processus dirigitur, tenore presentium requirimus et monemus, primo, secundo, tertio, et peremptorie, communiter vel divisim, ac vobis et vestrum cuilibet in solidum, in virtute sancte obedientie, et sub infrascriptis sententiarum penis, districte precipiendo mandamus, quatinus infra sex dierum spacium post presentationem seu notificationem dictarum literarum Apostolicarum et presentis nostri processus, ac requisitionem vobis seu alteri vestrum factas; et postquam pro parte dicti illustrissimi et serenissimi Domini, Domini Jacobi et pro tempore existen. Scotorum Regis, nec non modernorum et pro tempore existentium Presidentis et Senatorum Collegii hujusmodi, vel cujuslibet eorum, super hoc vigore presentium fueritis requisiti, seu alter vestrum fuerit requisitus, immediate sequentes; Quorum sex dierum duos pro primo, duos pro secundo, et reliquos duos dies vobis universis et singulis supradictis pro omni dilatione terminoque peremptorio ac monitione cano-

nica assignamus; penam etiam duorum millium ducatorum auri de Camera, partim parti et partim Camere Apostolice applicandam, et totiens quotiens incurrendam et exigendam, sententiis supra et infrascriptis hujusmodi adjicientes, faciatis auctoritate nostra ymmo verius Apostolica, preinsertas literas Apostolicas, nec non approbationem, confirmationem, decretum, suppletionem, applicationem, appropriationem, unionem, annexionem, incorporationem, exemptionem, liberationem, susceptionem, inhibitionem, mandatum, voluntatem et derogationem, omniaque alia et singula in dictis preinsertis literis quomodolibet contenta firmiter observari; ac vos prout ad vos communiter vel divisim pertinet, firmiter et inviolabiliter perpetuis futuris temporibus observetis: Nec non eosdem illustrissimum et serenissimum Dominum Jacobum, et pro tempore Scotorum Regem, ac Collegii Presidentem et Senatores hujusmodi, omnesque alios et singulos, quos dicte preinserte litere quomodolibet concernunt, et concernent in futurum, eisdem literis, ac omnibus et singulis in eis contentis supradictis, pacifice et quiete frui et gaudere, quantum in vobis est vel fuerit, faciatis et permittatis: INHIBENTES nichilominus vobis omnibus et singulis supradictis quibus presens noster processus dirigitur, et quibusvis aliis iudicibus et personis Ecclesiasticis et secularibus, cujuscunque dignitatis, status, gradus, ordinis vel conditionis existant, sub infrascriptis sententiarum, et dictorum duorum millium ducatorum auri de Camera, ut prefertur, applicandorum et exigendorum, penis hujusmodi, ne modernos et pro tempore existentes Scotorum Regem, ac Presidentem et Senatores Collegii hujusmodi, necnon quoscunque alios, quos dicte preinserte litere quomodolibet concernunt, et concernent in futurum, contra dictarum preinsertarum literarum tenorem, per vos vel per se, aut alium seu alios, publice vel occulte, directe vel indirecte, quovis quesito colore vel ingenio, molestetis seu molestent, aut molestari permittatis vel faciatis, aut permittant vel faciant; sed in omnibus et per omnia, mandatis Apostolicis atque nostris pareatis seu pareant, realiter et cum effectum. QUOD SI FORTE premissa omnia et singula non adimpleveritis, seu adimpleverint, aut distuleritis, seu distulerint contumaciter adimplere, mandatisque et monitionibus nostris hujusmodi ymmo verius Apostolicis, non parueritis, seu paruerint, reali-

ter et cum effectu : Nos in vos omnes et singulos supradictos, qui culpabiles fueritis, seu fuerint in premissis ; et generaliter in contradictores quoslibet et rebelles, ac impediētes modernos ac pro tempore existentes Scotorum Regem, ac Collegii hujusmodi Presidentem et Senatores supradictos, ac alios quos dicte preinserte litere quomodolibet concernunt, vel eorum aliquem super premissis, et in preinsertis literis contentis in aliquo, aut ipsos impediētibz dantes auxilium, consilium vel favorem, publice vel occulte, directe vel indirecte, quovis quesito colore, cujuscunque dignitatis, status, gradus, ordinis vel conditionis existant, ex nunc prout ex tunc, et ex tunc prout ex nunc, singulariter in singulos, predicta sex dierum canonica monitione premissa excommunicationis ; in Capitula vero, Conventus et Collegia quecunque in his forsā delinquentia suspensionis a divinis, et in ipsorum delinquentium et rebellium Ecclesias, Monasteria et Capellas interdicti Ecclesiastici, sententias ferimus in his scriptis, et etiam promulgamus ; ac quemlibet ex impediētibz, molestātibz, delinquentibz et rebellibz supradictis, duorum millium ducatorum auri de Camera penam hujusmodi incurrisse et incurrrere, illamque ab eis et eorum quolibet exigī, et, ut prefertur, applicari posse et debere, juris et facti remediis quibuscunque, eadem Apostolica auctoritate, decernimus ; vobis vero reverendissimis ac reverendis patribz, Dominis Archiepiscopis et Episcopis prefatis duntaxat exceptis, quibus ob reverentiam vestrarum Pontificalium dignitatum deferimus in hac parte, si contra premissa vel eorum aliquod feceritis, seu fieri mandaveritis, per vos vel submissas personas, publice vel occulte, directe vel indirecte, quovis quesito colore, ex tunc prout et nunc, predicta sex dierum canonica monitione premissa, ingressus Ecclesiarum interdicimus in his scriptis. Si vero hujusmodi interdictum per alios sex dies prefatos sex immediate sequentes sustinueritis, vos in eisdem scriptis, simili canonica monitione premissa, suspendimus a divinis. Verum si prefatas interdicti et suspensionis sententias per alios sex dies prefatos duodecim immediate sequentes, animis, quod absit, sustinueritis induratis ; vos ex nunc prout ex tunc, et e converso, hujusmodi canonica monitione premissa, in his scriptis excommunicationis sententia auctoritate Apostolica supradicta innodamus, ac penam duorum millium ducatorum supra-

dictam incurrere et incurrisse similiter declaramus. CETERUM cum ad executionem premissorum, et per preinsertas literas nobis commissorum ulterius faciendam nequeamus quoad presens personaliter interesse, pluribus aliis arduis in Roman. Curia legitime prepediti negotiis ; universis et singulis Dominis, Abbatibus, Prioribus, Prepositis, Decanis, Archidiaconis, Cantoribus, Thesaurariis, Scolasticis, Sacristis, custodibus tam Cathedralium etiam Metropolitan. quam Collegiatarum Ecclesiarum, Canonicis, Parrochialiumque Ecclesiarum Rectoribus, seu locatenen. eorundem, Plebanis, Viceplebanis, Archipresbyteris, Vicariis Perpetuis, Capellanis, Curatis, Altaristis, Presbyteris, ceterisque viris Ecclesiasticis, cum cura et sine cura, secularibus, et quorumvis ordinum regularibus, in quibuscunque dignitatibus, gradibus, vel officiis constitutis, ac Notariis et Tabellionibus publicis quibuscunque, per universum Scotie Regnum ac alias ubilibet constitutis, et eorum quemlibet in solidum, super ulteriori executione dicti mandati Apostolici atque nostri facienda, auctoritate Apostolica supradicta tenore presentium plenarie committimus vices nostras, donec eas ad nos specialiter et expresse duxerimus revocandas : Quos nos etiam et eorum quemlibet in solidum eisdem auctoritate et tenore requirimus et monemus, primo, secundo, tertio et peremptorie, communiter vel divisim, eisque nichilominus et eorum cuilibet in virtute sancte obedientie, et sub excommunicationis pena, quam in eos et eorum quemlibet, nisi fecerint que mandavimus, ferimus, in his scriptis districte precipiendo mandantes, quatinus infra sex dies post presentationem seu notificationem presentium, ac requisitionem pro parte prefati illustrissimi Domini, Domini Jacobi, et pro tempore existentis Scotorum Regis, ac modernorum et pro tempore existentium Presidentis et Senatorum Collegii hujusmodi, aut alicujus eorum, eis seu eorum alteri desuper factas, immediate sequentes ; quos dies ipsis et eorum cuilibet pro omni dilatione terminoque peremptorio ac monitione canonica assignamus ; ita tamen quod in his exequendis alter eorum alterum non expectet, nec unus pro alio, seu per alium se excuset : Ad vos omnes et singulos supradictos, personasque et loca alia de quibus, ubi, quando, et quotiens opus fuerit, personaliter accedant seu accedat, et prefatas literas Apostolicas, ac omnia et singula in eis

contenta vobis omnibus et singulis supradictis communiter vel divisim legant, intiment, insinuent, et fideliter publicare procurent, seu legat, intimet, insinuet, et fideliter publicare procuret ; ac illustrissimo Domino Jacobo, et pro tempore existenti Scotorum Regi, necnon modernis et pro tempore existentibus dicti Collegii Presidenti et Senatoribus supradictis, super premissis et in preinsertis literis contentis, efficacis defensionis presidio assistentes, easdem preinsertas literas, et in eis contenta omnia et singula, quantum in eis est vel fuerit, firmiter observari ; ac singulos quos dicte preinserte litere quomodolibet concernunt, illis pacifice et quiete frui et gaudere faciant : Non permittentes eos per quoscunque, contra earundem literarum tenorem, quomodolibet molestari, inquietari, seu perturbari ; Contradictores quoslibet et rebelles per censuras et penas Ecclesiasticas, ac etiam pecuniarias, eorum arbitrio moderandas, et alia opportuna juris remedia, appellatione postposita compescendo ; ac legitimis super his habendis servatis processibus, censuras et penas ipsas iteratis vicibus aggravando ; invocato etiam ad hoc, si opus fuerit, auxilio brachii secularis. ET NICIL-OMINUS, si forsitan aliqui, quos supradictum tangit negocium, seu tangere poterit quomodolibet in futurum, mandatis et monitionibus ac inhibitionibus nostris hujusmodi parere et obedire recusarent, seu differrent, vel negligerent contumaciter adimplere ; ex tunc prefatum serenissimum et illustrissimum Dominum, Dominum Jacobum, et pro tempore existentem Scotorum Regem, ceterosque Principes et Nobiles quoscunque in toto Scotie Regno, et alias ubilibet, jurisdictionem temporalem et ordinariam quomodolibet exercentes, eorumque locatenentes, et ipsorum quemlibet, tanquam religionis et fidei Christiane participes, et etiam defensores, ex parte Domini nostri Pape requirimus, et ex nostra auctoritate rogamus ; quatinus ipsi et eorum quilibet, si et prout requisiti fuerint, seu alter eorum fuerit requisitus, pro parte dictorum Dominorum modernorum et pro tempore existentium Presidentis et Senatorum Collegii hujusmodi, vel alicujus eorum, per se vel alium, seu alios, ut veri Catholici, sui in hac parte officii dexteram extendentes, infra sex dies post presentationem seu notificationem predictarum literarum Apostolicarum, et requisitionem eis seu eorum alteri ut premititur factas, immediate sequentes ; quoscunque in pre-

missis contradictores et rebelles et eorum quemlibet, prout culpabiles fuerint, qui sic iudicium et censuram Ecclesiasticam contempserint, per captionem et detentionem bonorum suorum, mobilium et immobilium, in ipsorum jurisdictione consistentium primo; et deinde per ipsorum captionem, et quemcunque alium modum canonicum, qui eisdem Dominis temporalibus et ipsorum Officiariis videbitur expedire, auctoritate nostra, ymmo verius Apostolica, compellant, videlicet manu forti, absque tamen gravi lesione corporum eorundem, usque ad integram paritionem omnium et singulorum in preinsertis literis et presenti nostro processu contentorum; et alias ipsos inobedientes et rebelles et eorum quemlibet astringant ipsorum potentia brachii secularis, donec ad obedientiam sancte matris Ecclesie devenerint, et processibus nostris antedictis paruerint, beneficium quoque absolutionis a predictis sententiis, censuris et penis meruerint obtinere: ET GENERALITER, dicti Subdelegati nostri omnia et singula nobis in hac parte commissa plenarie exequantur, juxta predictarum literarum Apostolicarum et presentis nostri processus vim, formam et tenorem: Ita tamen quod ipsi, vel quicunque alius seu alii, nichil in prejudicium dictorum illustrissimi Domini Jacobi et pro tempore existentis Scotorum Regis, ac Presidentis et Senatorum Collegii hujusmodi valeant attemptare quomodolibet in premissis, neque in processibus per nos habitis, aut sententiis per nos latis absolvendo vel suspendendo aliquid immutare: In ceteris autem que eisdem pro tempore existen. Scotorum Regi, ac Presidenti et Senatoribus predictis, vel eorum alteri in premissis nocere possent, vel quomodolibet obesse, prefatis Subdelegatis nostris, et quibuscunque aliis potestatem omnimodam denegamus. Et si contingat nos super premissis in aliquo procedere, de quo nobis potestatem omnimodam reservamus, non intendimus propterea commissionem nostram hujusmodi in aliquo revocare, nisi de revocatione ipsa expressam in literis fecerimus mentionem. Per processum autem nostrum hujusmodi, nolumus nec intendimus nostris in aliquo prejudicare Collegis, quo minus ipsi vel eorum alter, servato tamen hoc nostro processu, in hujusmodi negotio procedere valeant, prout eis vel eorum alteri visum fuerit expedire; prefatasque literas Apostolicas et hunc nostrum processum ac omnia et singula hujusmodi negotium tangentia, volumus penes

dictos pro tempore existentes Scotorum Reges, ac Presidentem et Senatores, vel eorum Procuratores remanere; et non per vos aut aliquem vestrum, seu quemcunque alium, ipsis invitis, et contra eorum voluntatem quomodolibet detineri: Contrarium vero facientes prefatis nostris sententiis, prout in his scriptis per nos late sunt, ipso facto volumus subjacere: Mandamus tamen copiam fieri de premissis eam petentibus et habere debentibus, petentium quidem sumptibus et expensis. Absolutionem vero omnium et singulorum, qui prefatas nostras sententias aut earum aliquam incurrerint seu incurrerit quoquomodo, nobis vel superiori nostro tantummodo reservamus. IN QUORUM omnium et singulorum fidem et testimonium premissorum, presentes literas sive presens publicum processus instrumentum exinde fieri, et per Notarium publicum Archivii Roman. Curie scriptorem infrascriptum subscribi mandavimus, sigillique dicti Archivii jussimus et fecimus appensione communiri. Dat. et act. Rome, in edibus nostre solite residentie, anno a nativitate Domini millesimo quingentesimo trigesimo quinto, indictione octava, die vero ultima mensis Martii, Pontificatus sanctissimi in Christo patris et Domini nostri, Domini Pauli divina providentia Pape tertii, anno primo: presentibus ibidem discretis viris, Dominis Martino Jordan et Roderico Urrunno, Notariis Dertosen. et Calagurritan. Dioces. Testibus ad premissa vocatis atque rogatis.

*Et ego Didacus de Avila, Archivii Rom. Cur. scriptor, quia premissis omnibus presens fui, ideo hoc publicum processus instrumentum subscripsi et publicavi, rogatus et requisitus.*¹

Item, p. 117. See the tenor of Forfeiture against Matthew Earl of Lennox in the Appendix to the "Epistolæ Regum Scotiæ," vol. ii. p. 333, where the readers will have the opportunity to observe, that that Parliament was nothing else but a Meeting of the Lords of Articles, or of some such like Committee of Parliament. Bishop Leslie makes mention of such another meeting in the summer of the year 1556; and he acknowledges it obtained, for the rarity of the thing I

¹ This and the two preceding papers are taken from the Originals in the Laigh Parliament-House.—[Then the depository of the Public Records. See p. lxxii. of the Biographical Sketch in this volume.—E.]

suppose, the name of *Comitia currentia*, that is to say, a *Diet of Parliament continued*. Read in the following line here, p. 117. *These things fell out in the month of August 1545, (not 1544).*

Item, p. 137. See an authentick account of the Queen Dowager's reception in Mr Strype's *Annals*, vol. ii. p. 284, 285.

Item, p. 158. By Buchanan's authority I had placed the riot on St Giles's Day, under the year 1558: but the following authentick voucher will afford us better information.

23d September 1556.—THE quhilk day, in presens of the then Provost, Baillies, and Counsale, Mr Alexander Forrest provest of the kirk of Foirdy,¹ in name of my Lord Archbischof of Sanctandrois, &c. presentit ane wryting of the Quenis Grace, subscriyvit with her Grace's hand, havand hir Grace's signet, and desyrit the samyn to be registrat, and the effect thair of to be obeyit: Of the quhilk the tenor followis—"Provost, Baillies, and Counsale of Edinburgh, we greit zou weill: Forsamekle as we ar informit that thair is certane odious ballets and rymes laitlie sett furth be sum evill inclinit personis of zour town, quha hes alsua tane doun diversis imagis,² and comtempnandlie brokin the samyn, quhilk is ane thing verray sclanderous to the Peple, and contrarious to the Ordinancis and Statutis of haly Kirk; and it is givin us to understand that the Maikaris of the said Misordour ar all Indwellaris and Inhabitaris of zour said Town: Quhairfoir we chairge zou that incontinent efter the Sicht heirof ze diligentlie inquire, serche, and seik for thair Names, and dellyver thame in Write to our Cusing the Archbischof of Sanctandrois, to be usit conforme to the Statutis of the Kirk; assuring zou, giff zou do not zour extrem Devoir thairin to bring the samyn to Lycht, that ze salbe na utherwayis esteemit be us nor as Favoraris and Mainteinaris of sic Personis, and sall underly the samyn Punischment that thai aucht to sustene, in cais we gett Knawledge heirof be³ zou. Sub-

¹ [The proper name of this church is not ascertained.—E.]

² By a representation in name of the Archbishop of St Andrews to the Town-Council the day before, they were the images of the Trinity, of our Lady, and of St Francis.

³ Without.

seryvit with our Hand and under our Signet at Aberdene¹ the xxi day of September 1556.”²

Item, p. 160. By the authority of Bishop Leslie I was led to place the Negotiation and Indenture of Peace there mentioned, some time after the advancement of the Queen Dowager to the Regency ; but by inspecting Bishop Nicolson’s Border-Laws, we are assured this Indenture was made on the 4th day of December in the year 1553. The Indenture is there set down at full length ; and by looking it over, the complaint contained, p. 68, &c. Appendix, will be still the better understood.

Item, p. 161. It was in the month of *June* (not *July*) 1555, that the Queen Regent held a Parliament : see the printed Acts. And that her Highness went thereafter into the southern shires to hold Justiciary Courts, is confirmed by the Act of Privy Council, 23d June 1555, p. 71, Appendix, contrary to what Mr Strype seems to say of the year 1554. However, it may not be improper to set down here the shreds of two letters which that gentleman gives, from the Lord Conyers to the Earl of Shrewsbury. The one is 19th July—“ So far as I can learn, the Scotch Queen doth greatly desire that justice be ministred on the Borders. And, for the more appearance thereof, sithence her repair to Jedworth,³ I do well understand, that she hath called before her divers of the most and greatest faulters both of Tividale and the March, and doth punish them in ward : So that by mine intelligence I cannot wit that she meaneth any thing at this time towards these pieces, saving only the administration of her laws, and the pacifying the deadly feuds which are among divers surnames of her Borders.” The other letter is 28th July—“ That the Scotch Queen departed from Jedworth the 13th instant, and came the same night into Kelsay,⁴ and the next day to Hume Castle ; and so along the Borders

¹ As this ascertains the time of the Queen Regent’s progress to the north parts, so it quite confounds Buchanan’s story of the Queen being present at the time of the riot.

² Register of the Town-Council of Edinburgh. And *nota*, There is nothing resembling this outrage to be seen at all in this register under the year 1558.

³ [The royal burgh of Jedburgh, also called Jedworth.—E.]

⁴ [Kelso.—E.]

into Langton, Haymouth, Donbarr,¹ and Addington : And that she had travailed very earnestly to bring her subjects into amity and love one with another ; and took, of divers surnames, pledges for the observing and keeping of good rules, as of the Carrs, the Scots,² with divers others. And that for the redress of these marches between him (the Lord Conyers) and the Wardens of Scotland, he was well answered, and as to equity and justice appertained ; and as good delivery made on both parts as had been done in a great while before."

Item, p. 164, Bishop Leslie gives authority for both the Treaties mentioned on this page, viz. in the year 1556 and 1557 ; and Mr Buchanan likewise speaks of the latter : Yet of neither of the two is there the least vestige in Rymer's "Fœdera," or the "Border-Laws," only in the "Fœdera" there is a safe conduct by the King and Queen of England, for Sir Robert Carnegie of Kinnaird to come into England as ambassador from the Queen of Scots, of the date the 10th day of February 1557 (i. e. 1556-7). Nevertheless this is no decisive mark that no such Treaties ever were ; forasmuch as in the "Fœdera" there is no notice taken at all of the Indenture set down by Bishop Nicolson, anno 1553. Note. In the middle of this page should be placed on the margin, *anno 1557*.

Item, p. 165. By an act of the Town-Council of Edinburgh, 10th April 1557, I see the Lords are said to have been assembled in a Convention at Edinburgh the last day of March, at which time they had appointed a taxation of L.60,000 to be uplifted for defraying the expences of the Nobility who shall happen to go into France to the solemnization of the intended marriage between the Queen and the Dauphin of France, and the other necessary charges to be expended on that occasion ; L.10,000 of which taxation the Town-Council, in whose hands was lodged in those days the assessment of the other burrows, appoints to be taken from the several burghs of the kingdom. It would appear, however, that the foresaid sum of L.60,000 has not been deemed sufficient for clearing all the charges of the Queen's marriage, ambassadors, &c., and therefore on the 14th of December following

¹ [Eyemouth and Dunbar.—E.]

² [Kerrs and Scotts.—E.]

an additional taxation of L.15,000 has been judged necessary likewise to be uplifted. See p. 460, Appendix.

Item, p. 166. Copies of the same Instruments are likewise to be seen in the printed Collections of the Treaties, &c. *Ibid. in place of a gift of gold*, means only any other *valuable* gift which Princes are pleased sometimes to bestow on publick ministers.

Item, p. 207. This paper was taken from Mr Knox's *octavo* book, but see the subscription in the late edition, 1732.

Item, p. 213, &c. For a larger illustration of this part of the History, the readers may be pleased to take the following Records from the Town-Council of Edinburgh.

12th Julij 1559.—THE quhilk day, Mr Jhone Spens, David Forrestar, and James Curle, baillies of the burgh of Edinburgh; James Carmichael, James Barroun, William Lawson, Andro Sklatter, Thomas Thomsoun and —— Zoung, of the Counsall of the said burgh, Mr James Lindesay Thesaurar, with ane certaine of the Deikynnis, and ane gryt part of the communitie of the samyn, being convenit within thair Tolbuith for ressoning upon the causis of thair commoun weill, comperit befor thame ane nobill and mychtie Lord, Patrik Lord Ruthven, Jhone Sandelands of Calder zoungar, direct frome the Lordis of the Congregatioun to the Baillies, Counsall and communitie foirsaid, and desyrit of thame to be harde to declair sic thingis as wes gevin thame in commissioun be the saidis Lordis; of the quhilk the tenour followis :—“ Beluffit Brethering, we think ze ar not ignorant quhat hes movit my Lordis of this present Congregatioun to convene within this Burgh at this tyme; and in cais ze be, thair Lordschipis, be quhome we ar direct to zou, hes gevin us ane speciale charge and command to declair and oppyn to zou the samyn; that is, to mak it knawn to zou, and every ane of zou, that thai pretend na sic thing as the commoun brute is, tuiching the inobediance of the Prynce, or usurping of hiear Powars,¹ bot that thai ar onlie convenit for the awanciement and furthsetting of Godis Glore, according to the trew and pure Evangell, and thair-

¹ Compare this *profession* with their deposing the Queen-Regent in October following.

with evir mening the dew obedience of the Princes to be mentenit be thame, thair bodye and gudis, at thair uter powars: Requiring alswa the samyn of zou, and that zou will adjoine zou with thame unfenziet, as thai sall with zou, to the furthsetting of Godis trew Worde and dew obedience of the Prince, as said is; and that ze will heir plainlie, and in all tymes cummyng, tak upon zou the maintenance and defence of the samyn; and swa mony of zou as will glaidly consent heirto, to bynd and obleis zou, be uphalding of zour handis, and to send thame zour names in writt."

29th Julij 1559.—THE quhilk day, in presens of the Provest, Baillies, ane part of the Counsall, Dekynnis, and ane greit number of the communitie, comperit the nobill and mythty Lordis, viz. James Duke of Catelheraulte, Erle of Arrane, &c. — Erle Huntlie, &c. and Jhone Lord Erskine, and declairit, That anent the appointment maid betwix thame as Commissionaris for our Soverane Lady Queine Marie Dowriar and Regent of this Realm, and the Lordis of the Congregatioun, the — day of Julij instant, it wes appointit and contenit thairin that the town of Edinburgh sould without compulsion uis and cheis quhat religioun and maner thairof thai pleisit to the tent day of Januar nixt to cum, swa that every man may have fredome of his conscience unto the said day. For satefeing of the quhilk artikle, it wes the Quenis Grace's will that the inhabitantis of the burgh wer convenit, and every ane to be examined quhat religioun he wald be of, and *that* religioun to be mainteneid to the said day that the greitast number consentit to; and desyrit the communitie present, quhider thai wald voit severallie, or remit the samyn to the voitis of the Provest, Baillies, Counsall, and Dekynnis, as hes bein usit in ordour taking of civill causis befor. And thairefter comperit Adame Foullertoun, for himself and in name and behalf of the haill Brethir of the Congregatioun within this town, being personallie present, and presentit to the saidis Lordis the Supplicatioun efter following; and the samyn being red and considerit be thame, desyrit the Supplicatioun to be insertit in thair bukis, of the quhilk the tenour followis:—"My Lordis, unto zour Lordschipis humlie meinis and schawis the faytfull Brethren of the Congregatioun within

Edinburgh, indwellaris thair of, That quhairas we ar informit zour Lordschipis ar heir convenit, of mynd and purpois to tak every mannish voit quhat religioun he will be, and quhair the ministratioun thair of salbe usit: And we for our partis knawand the religioun quhilk we have presentlie to be of God, and conforme to his Word; and on the uther part knawand the Mess and the Papis haill religioun to be without the Word of God, altogether superstitious, dampnable idolatrie, and of the devill, can nocht consent for our partis that Godis treuthe, and that our religioun now establischt conforme to his Worde, salbe subject to voiting of man, as gif the maist part of men allowit it nocht, it sould be rejectit; for it is na new thing, bot mair nor notour that fra the begynnyng of the wyd world to this day, and evin now in all countries, townis, and whair the maist part of men hes ever beine aganis God and his House, at the leist hes not plainlie embraced the samyn.¹ Secoundlie, Anent the place we say that in the appointment maid betwix zoure Lordschipis and the Lordis of the Congregatioun, it is in speciall provydit that our prechers sall nocht be molestit nor troublit, nor zitt thair ministeris, nor that the said Congregatioun sall nocht be troublit in thair gudis, bodyis, landis, or possessionis quhatsumever, unto the tent day of Januare; but swa it is that we the Congregatioun of this town, the tyme of the making of the said appointment lang of befor, and continewlie sensyne wer in possessioun, lyk as we ar zit, of the hie Kirk of this town callit Sainet Geillis Kirk, have and our commoun prayeris, preiching of the Word, and the ministratioun of the Sacramentis, and haill uther ministerie thairin-till bot² interruptioun, and thairfor aucht and sould to possess the samyn unto the said day bot ony voiting, controversie and troubill, and swa can na way consent to submit *that* to voiting quhilk the saidis Lordis left us possest in, and swa in effect zoure Lordschipis of zour Honours can nocht suffer us to be trublit in our maner of religioun, nor zit in the place of ministratioun thair of quhilk we peciabilie possess, mekill less troubill us zourselvis, be compelling of us upoun the thingis quhilkis we have ellis bot contraversie, as said is,

¹ By this it would appear the retainers to the old religion had been most numerous as yet within the town of Edinburgh. ² [Without.—E.]

without ze will plainlie coutravene the said appoyntment ; beseikand zour Lordschipsis that ze will have regarde to the said appoyntment, and to zour awin honouris : And seing that we can na way consent to ony voiting in the caisis foirsaidis, except we will, by the appoyntment ellis maid, mak new transactioun, or be oure awin consent putt the thingis in doubt quhilkis be the said appoyntment ar to us fre ; and in respect that we can on nawayis do the samyn without the saidis Lordis of Congregatioun wer heir present to consent thairto, that zour Lordschipsis will mantene and defend, at the leist nocht troubill nor suffer us to be troublit, in oure maner of religioun and place of ministratioun quhilk we now possess, and possest the tyme of the making of the said appoyntment : Protesting heir in zour presens befor God, gif ze do in the contrare, and submit the samyn to voiting, the voiting of the wikkit (as for us we aucht nocht, nor cannocht consent thairto, nor voit thairintill), that ze do us plane wrang and injurie, and plainlie contravenis zour said appoyntment ; besyde the opponying of zourselvis to God and his treuth, quhilk we surelie and stedfastlie beleif he will nocht leiff sudainlie unrevengit ; and zour Lordschipsis answer humelie we beseik." Quhilk Supplicatioun being opinlie red, the saidis Lordis declarit that thai wald compell na man to do¹ by his conscience, nor do ony thing that mycht coutravene the said appoyntment ; and thairupoun askit instrumentis.

29th Julij 1559.—THE quhilk day, in presens of the Baillies, Counsall, Dekynnis, and communitie foirsaid, my Lord Provost declarit, That all the commoun questionis and causis of this burgh were in tymes past ferrit to the decisioun of the Counsall, as for the Merchantis and Dekynnis, as for the Craftis *respective* ; and in cais the mater proponit be the Lordis, contenit in the Act above-wryttin, come to voiting, desyrit the said auld ordour to be observit thairin : Protestand alwayis, in cais novation wer inbrocht, and that the haill communitie voitit thairin, that the samyn wer nocht imputt to him, and that he wer nocht accusit be the autoritie as negligent in his office thairanent.

¹ Beside, contrary to.

Item, p. 232. The *Credit*, or Commission which was intrusted by the Queen-Regent to be declared to the Nobility, &c. by the Lyon-Herauld, is taken from Mr Knox, who, I make little doubt, has curtailed the same, and framed it so as to serve his own purposes: And had this Credit been contained in as few words as this author relates it, the Regent might have easily inserted the whole of it in her letter, without any unbecoming prolixity. I do, therefore, recommend to my readers not to satisfy themselves with this account of the Credit, but to look into *that* which Archbishop Spottiswood narrates; which, as it is much more distinct in answering to each point of complaint for the Congregationers, so it has all the air of ingenuity, and seems fully to answer the character of that wise and worthy Princess. And since this Prelate has adjoined something in the MS. of his History, written, as far as I can guess by comparing, with his own hand, concerning the deposition of the Queen-Regent, which immediately followed the preceding message by the Lyon-Herauld, I judge it not amiss to be here inserted. "This," says the Archbishop, "was a business wherein preachers ought not to have meddled. And when their judgments were asked, lawfully they might have excused themselves; which had been the wiser part in them, and furnished the adversaries less occasion of slandering true religion. Also the inference they make is upon grounds most untrue, and the examples they bring do noway fit the purpose. That the power of magistrates is limited by the Word of God, and their office in ruling their subjects prescribed by the same, none will deny: But that subjects may deprive Princes from their authority when either they offend, or that it seemeth to them they do so, is directly contrary both to Scripture and reason; God having reserved the punishment of sovereign Princes to himself, and no where granted the people power over them. The example of Asa is quite misalledged, for he was King of Judah, and in possession of the crown. And Maacha, though in nature his mother, was in *condition* his subject, and might lawfully be put from the authority or dignity which by his favour she enjoyed, when she fell to the erecting and worshipping of idols. The allegation of Jehu his fact serveth them as little; for that which he did was by God's commandment,

who may take and give kingdoms as He will : But no man nor men may do it, and to believe or practise otherwise, is utterly against the religion of Christ.”¹ These are the precise words of the MS. which by all the marks appears to be the very same which Bishop Burnet, “History of the Reformation,” vol. iii. p. 285, says belonged once to himself, and was presented by him to the Duke of Lauderdale. There is indeed a score drawn over the first four lines, ending at the words *is upon grounds*,² and there is a correction on the margin in a very wretched hand ; but the correction is not at all what we have in the print, nor am I able to read it, so vilely is it written. And yet I must acknowledge that several places of the print are done after corrections made by the same bad writer, which I am there enabled to read by the help of

¹ [The observations of Archbishop Spottiswoode on the *pretended* and *most rebellious* deposition of the Queen Regent by the self-styled “Congregation,” as quoted by Bishop Keith in this part of his Appendix from the *original*, in the Primate’s *handwriting*, are worthy of notice, and prove that the printed folio edition of the Archbishop’s “History of the Church and State of Scotland” is full of interpolations—a fact which the Editor of this “History” discovered after a careful perusal. The following is the version of Archbishop Spottiswoode’s reflections or observations on the illegal deposition of the Queen Dowager, as given in his folio “History,” which is set forth to be the fourth edition, *corrected*, London, 1677, p. 137, and the passage occurs after the reported speeches of John Knox and John Willox. The reader may contrast the quotation with that in the text.—“It had been better and wiser in these preachers [Knox and Willox] to have excused themselves from giving any opinion in these matters, for they might be sure to have it cast in their teeth, to the scandal of their profession. Neither was the opinion they gave sound in itself, nor had it any warrant in the Word of God ; for howbeit the power of the Magistrates be limited, and their office prescribed by God, and that they may likewise fall into great offences, yet it is nowhere permitted to subjects to call their princes in question, or to make insurrections against them, God having reserved the punishment of princes to himself. And for the ensamples they alleged, they are nothing to the purpose. For Asa was King of Judah, and in possession of the Crown ; and Maacha, though in nature his *mother*, was by condition his subject, and might lawfully be discharged from the authority, which by his favour she enjoyed, after she fell to the erecting and worshipping of idols. As to the ensample of Jehu, it is nothing better, seeing what he did was by God’s express commandment, who giveth and taketh away kingdoms as he pleaseth ; but no man hath this power, and they that presume otherwise, go expressly against the commandment of God, and the duty of Christian profession.—E.]

² [Our Historian means the *first four lines* of his folio. The words occur in the *sixth* line of the quotation from Archbishop Spottiswoode in the preceding page.—E.]

the print. I have been at pains to get into my custody several samples of Archbishop Spottiswood's hand-writing, which is very fair and neat, and as far as I can guess by the resemblance, this MS. of his History is written by himself; but most certainly the corrections on the margin are by another hand. I cannot therefore *justify* Bishop Burnet, (otherwise my *blood-relation*,¹) in the narration he gives of this fact in the place referred to; and I shall be ready to afford any person ocular inspection into the truth of what I here affirm: However the space of forty years might naturally deprive a man of the exact remembrance of such a matter. *Note*, That the readers may not imagine this deposition of the Regent to be a sudden resolve, or that Knox and Willocks delivered their sentiments here unforethought and unprepared, I can assure, that I have seen a letter written by Mr Henry Balnaves from Stirling sometime in the month of August or September before (my memory serves me not which), when the Lords no doubt were met in that town; in which letter that gentleman, after observing the disorders in the affairs of his own faction, has this sort of expression, *We must get rid of this authority*, meaning the royal authority lodged in the Queen Dowager, whose Proclamations the generality of the subjects thought themselves obliged to obey. A copy of this letter from the Cotton Library I may perhaps afterwards impart to the publick.

Item, p. 237, 238. In the *shattered MS.* which I often mention afterwards, are several Letters exchanged concerning the Peace between the Queen-Regent and Queen of England, the said Queen-Regent and Earl of Northumberland, Lieutenant in the North of England. By a letter from the Queen of England we learn that the young Laird of Lethington had been employed to negotiate the affairs of Scotland at the English Court, before the conclusion of the treaty of Cambray. Of this Treaty there is in the same MS. a Proclamation issued at Stirling on the 15th day of April 1559. The Earl of Northumberland's letters are much filled with complaints against the Scottish subjects, and even against the Wardens of Scotland; and he speaks of his having met

¹ [Bishop Keith was very distantly related to Bishop Burnet, yet it was sufficient to constitute him a "blood relation."—E.]

with the Earl of Bothwell, Lieutenant on the Marches of Scotland, at the Riding Burn, for settling of all differences on either side. The Queen-Regent makes likewise complaints on her part; and perhaps it was indeed no easy matter to keep the unruly Borderers in any tolerable order.

Item, p. 249. It is certain that none of the other four persons who had the designation of Bishops, were in their nominal Sees at the time of the great alteration; and it is even a question whether any single man of them was ever consecrated a Bishop; the probability is greatly against them. These were—James Hamilton, Bishop of Argile, Alexander Campbell of Brechin, John Campbell of The Isles, and Adam Bothwell of Orkney.¹ Robert Stewart was only elect of Caithness at the time of his brother the Earl of Lennox's misfortune, and so was forced to quit the kingdom together with him.

Item, p. 258. It is proper that the readers look into the Instructions given the Commissioners who went to Berwick at this time. They are set down by Mr Knox.

Item, p. 280. Though the character of Queen-Dowager the Regent be sufficiently declared, yet Archbishop Spottiswood having added somewhat to his discourse concerning that Princess, as the same is contained in the MS. copy, which is not to be found in the print, I insert it here for the farther confirmation of this Queen's character. It is thus, — *Realm, and settle the same upon good conditions in a perfect tranquillity.* “These things I have heard my father often affirm, whose testimony deserved credit; and have many times received the like from an honourable and religious lady, who had the honour to wait near her person, and often professed to me that the Queen-Regent was much wronged in John Knox his story. The author, whosoever he was, for I am perswaded it was none ² of Mr Knox his writings,

¹ [Bishop Keith is here in error. Two of the Roman Catholic Prelates conformed to the “Reformation,” and are conspicuous in the “Book of the Universall Kirk of Scotland,” Parts I. and II., printed for the BANNATYNE CLUB, Edinburgh, 4to. 1839. Those *conforming* Prelates were Alexander Gordon, Bishop of Galloway, and Adam Bothwell, Bishop of Orkney. There is no doubt of their due, proper, and canonical consecration. See “The History of the Episcopal Church of Scotland from the Reformation to the Revolution.” Edinburgh, 8vo. 1844, p. 56-67.—E.]

² This good Prelate has elsewhere assigned his reasons why this book

in his whole discourse sheweth a bitter and hateful spite against her, forging dishonest things," &c. as in his¹ printed History.

Item, p. 145. Of those preachers Mr Petrie tells us, p. 352, that John Row had been a Friar at Rome, and was sent, anno 1559, as Nuncio into Scotland, and that when he saw the differences in the country, instead of agenting the Pope's business, he turned preacher.² John Craig was a Dominican at Bononia in Italy, in which city chancing to see Mr Calvin's Book of the "Institutions," he embraced the faith delivered in them, for which he was sent to Rome, and was there condemned to be burnt the 19th day of August, but a tumult happening the same night by the occasion of the death of Pope Paul IV., and the prison-doors having been broke open, he with other prisoners made his escape, and came into Scotland. John Dury had been a monk in Dunfermline. John Knox he only calls a follower

could not be written by John Knox, but these reasons are now without all controversy found to be groundless. Besides, Mr Knox's friends are at the utmost pains to secure to him the right of his labours in penning this work and it is surely a matter beyond all farther doubt.—[The observations in this note by Bishop Keith on the authenticity of Knox's "History" are undoubted.—E.]

¹ [Viz. Archbishop Spottiswoode's "History." For the Primate's character of the Queen Regent, see his "History," folio, London, 1677, fourth edition, p. 146, 147.—E.]

² [It is only fair to add, however, that the first cause of Row conforming to the Reformation was his witnessing a very foolish and absurd imposture, most injudiciously practised at the chapel of our Lady of Loretto at Musselburgh in 1559, shortly after Row returned from Rome. The hero of this affair was the *cow-herd* of the Sisters of St Catherine of Sienna, a locality now called *Sciennes*, on the south side of Edinburgh. This worthy had some defect in his eyesight, which enabled him successfully to counterfeit blindness, and a miracle was duly announced that a man was to be restored to sight at Loretto, to confirm the truth of the old religion. Multitudes resorted thither on the appointed day, and saw the operation, little imagining that the cow-herd of the Sisters of the Sciennes was the party employed to dupe them. The whole was soon discovered, and it need scarcely be added that it did the ancient Hierarchy most serious injury. John Row was the father of John Row, fifty-two years minister of Carnock in Fife, who was partly author of the "History of the Kirk of Scotland" from 1558 to 1637, preserved in MS. in the Advocates' Library, Edinburgh, and whose second son, John Row, Principal of King's College, Aberdeen, a man of considerable learning, was conspicuous in the troubles during the reign of Charles I.—E.]

of Mr Wishart ; but he might have added, that he likewise was in the *Order of Priesthood*, as most certainly he was ; the instruction whereof I will have occasion afterwards to notice. But at this distribution of the preachers, I miss William Harlaw by occupation a taylor. However, that he has been one of the men of renown about this time, the following paper is an assured evidence :—

23d October 1558.¹—THE quhilk day, Maister Archbald Menzies, Officiall of Nycht, beand adverteist that ane Williame Harlo, tailzour, sometyme burgess of Edinburgh, wes conduced be Alexander Steward of Garles, zoungar,² to preach in his Maner, and preacht allreadie this said instant day plainlie in the fore-hall of Herbert Cuninghame within the burgh of Dunfrese, at nine houris afore none ; the said Officiall considering that the said Harlo had na commissioun to mak sic preaching, bot [wes] an lauit-man,³ and against the Actis of Parlement, past incontinent thairefter, to the presence of the said Alexander Steward of Garles, and the said Harlo, within the said burgh, and required him, of quhais authoritie, and quha gaif him commissioun to preach, he beand ane lauit-man, and the Quenis rebald, and excommunicate, and wes repelled furth of uther partis for the said causis ? To the quhilk the said Alexander Steward answered and said, I will avow him, and will mantain and defend him against zou, and all uther Kirkmen that will putt at him. Of the quhilkis the said Officiall asked frae me, Notar underwryttin, instrument and instrumentis : The quhilk instrument wes tain in the lodging-place of the said Laird of Garles, at nine houris or thairby, before thir witnesses, Schir Patrik Wallace, Curat of Dunfres ; Schir Jhone Ireland, Per-

¹ Mem. Glasg. in Colleg. Scot. Paris. F. 157, an Original.

² Alexander Stewart of Garlies, younger, mentioned in this Act, never came to the estate ; but having followed the party of the Regent Moray, under the name of King James VI. against Queen Mary his mother, he was killed with the Regent Earl of Lennox at the road [raid] of Stirling, in September 1571, during his father Sir Alexander his time, who, as appears by a very kind letter of his to the Archbishop of Glasgow of 10th December 1560, lived in great intimacy with that Archbishop. He was succeeded in the estate by his grandson Sir Alexander, who was father to another Sir Alexander, who was made by King James VI. Lord Garlies A. D. 1607, and Earl of Galloway, A. D. 1623.

³ Layman.

son of Rewll; Schir Herbert Paterson, Schir Oles Wilson, Chaplains; Robert Maxwell, Williame Maxwell, Herbert Maxwell, Jhone Trude, Jhone Menzies, Mark Rewll, and utheris diverse.

Ita est, David Makgee, Notarius Publicus, ad præmissa vocatus, manu propria.

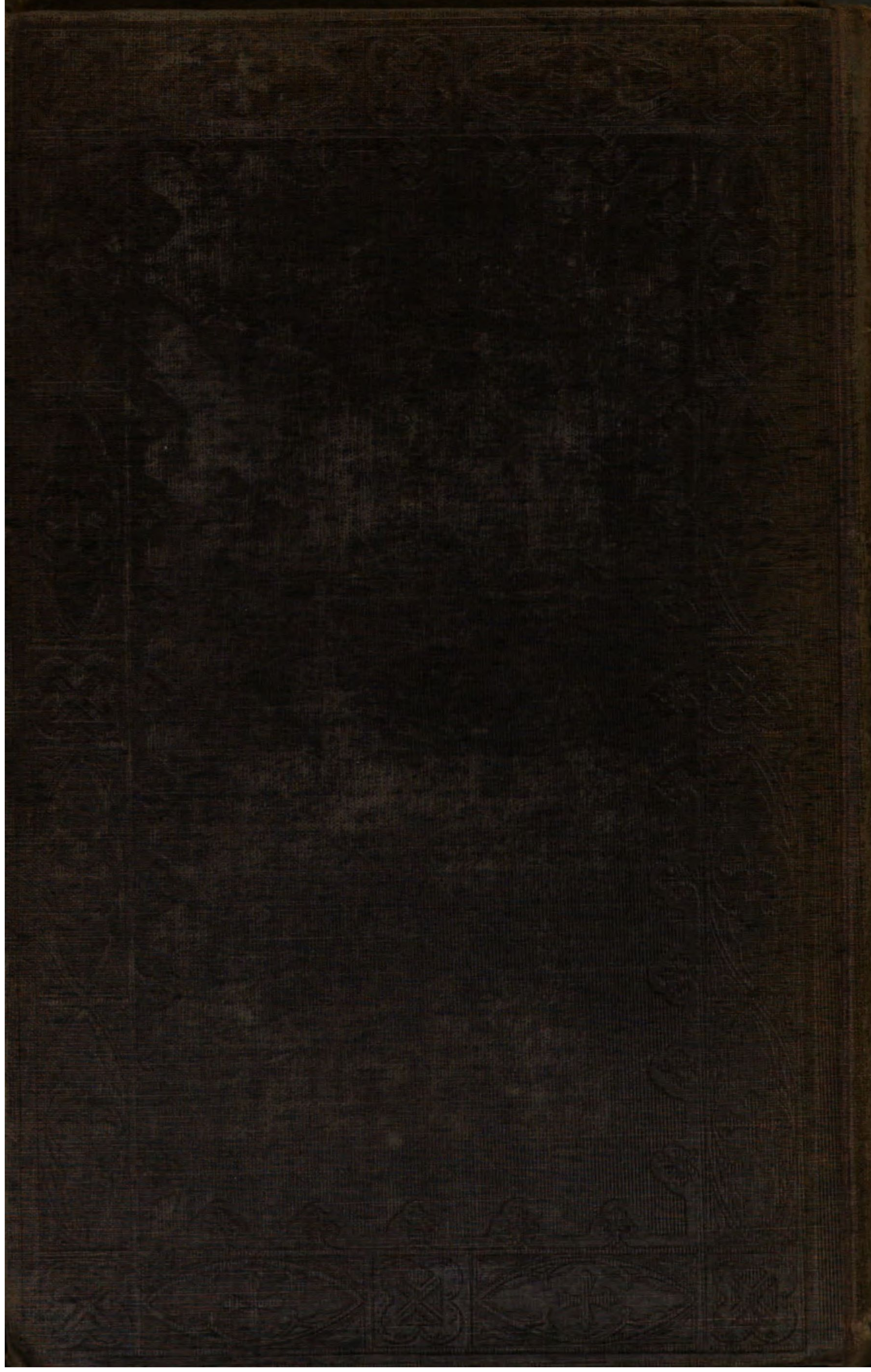
Eodem die.—The said Officiall past to the presence of David Cuninghame and James Rig, baillies of the burgh of Dunfres, eftir that Schir Patrik Wallace, curat of the said kirk had maid ane sermon into the parioch kirk of Dunfres, for the weill and instruction of his pariochinaris, and in contrare the said Harlo; and thare alledged and opponed that the said Harlo wes excommunicate, and ane rebald at our Soverane Lady the Quenis Grace's horn, and caption directed to other burghs upon him for sic enormities and contemp-tions as he hath committit against the privilege of haly Kirk and Actis of Parlement, and requyred thame in the Quenis name to hald him to the Quenis challance, and putt him in suir hald: The quhilk the said Baillies refusit to do. And upon the quhilkis the said Officiall asked instrument, quhilk wes maid and tain in the parioch kirk of Dunfres, at elevin houris or thairby, before thir witnesses, Williame Paterson, Herbert Raning, Jhone Cuninghame, burgesses of the said burgh; Jhone Menzes, Jhone Trude, with utheris diverse.

Ita est, David Makgee, Notarius Publicus, ad præmissa vocatus, manu propria.

Item, p. 147. When here, and in some other places, I use the expression *lesser* Barons, I think it proper to advertise that this is only in compliance with the manner of speaking which now prevails; for of any distinction of *greater* and *lesser* Barons, in our Law, there is no foundation at all, nor in the Rolls of Parliaments.

END OF VOL. I.





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